



---

# Emergency Services Act

Chapter 7 of Division 1 of Title 2 of the Government Code

---

# Natural Disaster Assistance Act

Chapter 7.5 of Division 1 of Title 2 of the Government Code

---

**Gray Davis**  
Governor

**Dallas Jones**  
Director  
Governor's Office of Emergency Services

**2002 Edition**  
Includes statutory changes as of January 2002



## Publishing Information

*This document was produced by:*

The Governor's Office of Emergency Services  
Planning and Technological Assistance Branch (PTAB)  
Post Office Box 419047  
Rancho Cordova, California 95741-9047

Search the Statutes on the Web at:  
[www.oes.ca.gov](http://www.oes.ca.gov) or [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

The state makes no warranty, expressed or implied, and assumes no liability for omissions or errors contained in this document. Please direct any suggested comments and corrections to the OES Planning and Technological Assistance Branch at the address above.

*Printed on recycled paper.*

## Emergency Services Act

### Table of Contents

## California Emergency Services Act

### Government Code

#### Chapter 7 of Division 1 of Title 2

#### Article 1 – Purpose

8550. Declaration of purpose and policy .....	1
8551. Short title .....	2

#### Article 2 – General Definitions

8555. Definitions governing construction of chapter .....	2
8556. Governor .....	2
8557. Other definitions .....	2
8558. Conditions or degrees of emergency .....	3
8559. Mutual aid recognition; operational area .....	4
8560. Emergency plans; state emergency plan .....	4
8561. Master Mutual Aid Agreement .....	4

#### Article 3 – Powers of the Governor

8565. Powers granted to Governor additional to other powers .....	5
8566. Expenditure of appropriations .....	5
8567. Orders and regulations; publicity and notice .....	5
8568. State Emergency Plan: where effective .....	6
8569. Coordination of State Emergency Plan with other plans and programs .....	6
8570. Power and authority of Governor to mitigate effect of emergency .....	6
8570.5. Agricultural disasters .....	7
8571. Suspension of regulatory statutes and agency rules during states of emergency .....	8
8571.5. Inadequate supply of energy .....	8
8571.6. Long-term health care facilities .....	9
8572. Commandeering property or personnel during state of .....	
emergency; exemption of newspapers, radio or television .....	9
8573. Cooperation with President and federal agencies .....	10
8574. Provisions as not limiting to proclaim state of insurrection or martial law .....	10

#### Article 3.5 – Oil spills

8574.1 Establishment of contingency plan .....	10
8574.2. Providing for procedure to combat results of oil spills .....	10
8574.3. Use of volunteer workers; worker's compensation .....	10

## Emergency Services Act

8574.4. Accounting for and paying state expenditures; liability; proceeds .....	11
8574.7. Marine oil spill contingency planning section .....	11
8574.8. Amended state oil spill contingency plan .....	13
8574.9. State Interagency Oil Spill Committee .....	13
8574.10. Review Subcommittee of the State Interagency Oil Spill Committee ...	15

### Article 3.7 – Toxic Disasters

8574.16. Establishment of contingency plan .....	16
8574.17. Agency implementation; management authority; central notification and reporting system .....	16
8574.18. ‘Toxic disaster’; listing of toxic substances .....	17

### Article 3.8 – Hazardous Substance Emergency Response Training

8574.19. Sudden release of hazardous substances into the environment .....	17
8574.20 Establishment of Hazardous Substances Incident Response Training and Education Program .....	18
8574.21 Curriculum for training instructors at California Specialized Training Institute .....	19
8574.22 Hiring professional and clerical staff .....	21
8574.23 Implementation report .....	21

### Article 4 – California Emergency Council

8575. Creation and membership .....	22
8576. Governor as ex officio Chairman of Emergency Council .....	22
8577. Compensation for services .....	23
8578. Frequency of meetings .....	23
8579. Powers and duties of the Emergency Council .....	23
8580. Establishment of classes of disaster service workers and scope of duties; worker’s compensation .....	24
8581. Certification of accredited status of local disaster councils; reports by Governor .....	24
8582. Establishment of committee of agency heads to aid council .....	24

### Article 4.5 – Urban Heavy Rescue Act

8584. Citation of article .....	24
8584.1. Acquisition and maintenance of urban heavy rescue units .....	25

### Article 5 – Office of Emergency Services

8585. State Civil Defense Agency; director; appointment and salary .....	25
8586. Assignment of powers by Governor; appointment of employees .....	26
8587. Coordination of emergency activities of state agencies; delegation of powers .....	26

## Emergency Services Act

8587.5. Research program .....	26
8587.7. Educational pamphlet .....	27
8588. Proclamation of state of emergency; ratification by .....	27
8588.3. Legislative findings and declarations; transfer of California Specialized Training Institute to Office of Emergency Services ....	28
8588.5. Promotion of increase in number of trained disaster dog teams .....	28
8588.7. Mobile communication translators .....	29
8588.8. Year 2000 Problem .....	29
8589. Use of State and local fair properties.....	29
8589.1. State Computer Emergency Data Exchange Program; participating agency; Legislative intent .....	30
8589.2. Plan for hazardous material mutual aid .....	30
8589.3. Disclosures; flood hazard area .....	31
8589.4. Flood hazard disclosures .....	32
8589.5. Inundation maps .....	33
8589.6. Development of model guidelines for local disaster registry programs ...	35
8589.7. Disasters; hazardous substances and materials spills; reporting requirements.....	36

### Article 5.5 – State Assistance for Fire Equipment Act

8589.8. Citation of article .....	38
8589.9. Legislative findings and declaration; legislative intent .....	38
8589.10. Definitions .....	39
8589.11. Acquisition of firefighting apparatus for resale; repair or refurbishing ..	39
8589.12. Determination of need by Department of General Services; release of apparatus or equipment .....	40
8589.13. Contract with local agency serving rural area .....	40
8589.14. Information system for identifying available apparatus or equipment ..	40
8589.15. Contract with Prison Industry Authority .....	40
8589.16. State assistance for Fire Equipment Account .....	40
8589.17. Availability of apparatus and equipment to other local agencies .....	41
8589.18. Default by local agency .....	41
8589.19. Adoption of rules and regulations.....	41
8589.20. Interagency cooperation .....	42
8589.21. Responsibility of director for programs .....	42
8589.22. Report to Legislature .....	42

### Article 5.7. – Firefighting Thermal Imaging Equipment Act of 2001

8590. Citation of Article .....	42
8590.1. Definitions .....	42
8590.2. Thermal Imaging Equipment Purchasing Program.....	43
8590.3. Administration of the Purchasing Program.....	43
8590.4. Funding and Distribution of Equipment .....	44

## **Emergency Services Act**

### **Article 6 – Advisory Committees**

8591. Assignment of emergency activities to state agency .....	44
----------------------------------------------------------------	----

### **Article 6.5 – Accessibility to Emergency Services Information**

8593. Duty to improve communication with deaf and hearing-impaired persons during emergencies .....	44
8593.1. Feasibility of “Digital Emergency Broadcast System” network .....	45
8593.2. Toll-free 800 telephone hotline; TDD accessibility .....	45
8593.3. Report to Legislature .....	45

### **Article 7 – Other State Agencies**

8595. Assignment of emergency activities to state agency .....	45
8596. Assistance and cooperation of state agencies and employees; disposal of debris on private property .....	46
8597. Classes of state employees deemed peace officers during emergency ....	46
8598. Officers assisting in law enforcement during local emergency vested with powers of peace officers .....	47

### **Article 7.5 – Statewide Natural Disaster Volunteer Corps Program**

8599. Plan to utilize volunteer resources during state of emergency .....	47
8599.1. Status report; final report .....	47
8599.2. Issues to be addressed by plan .....	47

### **Article 8 – Mutual Aid Regions**

8600. Division of state into mutual aid regions .....	48
-------------------------------------------------------	----

### **Article 9 – Operational Areas**

8605. Designation of counties as operational areas; use for coordination of emergency activities and as communications link .....	48
--------------------------------------------------------------------------------------------------------------------------------------	----

### **Article 9.5 – Disaster Preparedness**

8607. Standardized emergency management system .....	49
8607.1. Legislative intent .....	50
8607.2. Plans .....	51

### **Article 10 – Local Disaster Councils**

8610. Creation by ordinance; plan development .....	52
8610.3. Legislative findings and declarations .....	53
8610.5. Reimbursement of state and local costs (operative until July 1, 2009) ...	53
8611. Test exercises; assistance by private citizens .....	55

## Emergency Services Act

8612. Certification of disaster councils .....	56
8613. Revocation of certification for noncompliance with rules and regulations .....	56
8614. Political subdivisions and local employees to render assistance in carrying out provisions of chapter; ordinances to continue in effect ..	56

### Article 11 – Mutual Aid

8615. Legislative purpose .....	57
8616. Outside aid .....	57
8617. Mutual aid powers in nonemergency periods .....	57
8618. Local officials to remain in charge at incident requiring mutual aid ....	57
8619. Reciprocal aid agreement with other states or federal government; consultation with local officials .....	57

### Article 12 – State of War Emergency

8620. Powers of Governor .....	58
8621. Compliance with orders and regulations by public officers and employees .....	58
8622. Exercise of powers outside territorial limits of state .....	58
8623. Rendition of emergency aid by professionals or other skilled persons licensed or certificated by other states .....	59
8624. Emergency Council meetings; termination of Governor's emergency powers .....	59

### Article 13 – State of Emergency

8625. Proclamation by Governor .....	59
8626. Proclamation to be in writing; effective date; filing; publicity and notice ..	60
8627. Powers of Governor .....	60
8627.5. Suspension of nonsafety-related restriction on delivery of emergency necessities during state of emergency .....	60
8628. Utilization and employment of state personnel, equipment and facilities; supplemental services; expenditures .....	61
8629. Termination of state of emergency; termination of emergency powers ..	61

### Article 14 – Local Emergency

8630. Proclamation by local governing body; duration; review .....	61
8631. Provision of mutual aid by political subdivisions .....	62
8632. Provision of mutual aid by state agencies .....	62
8633. Costs incurred in executing mutual aid agreements as charge against state ..	62
8634. Promulgation of orders and regulations; curfew .....	62

### Article 15 – Preservation of Local Government

8635. Need for local governments to preserve law and order and to continue to restore local services in case of enemy attack .....	63
---------------------------------------------------------------------------------------------------------------------------------------	----

## Emergency Services Act

8636. 'Unavailable' officer .....	63
8637. Succession of department heads .....	63
8638. Standby officers .....	64
8639. Investigation of qualifications of standby officers .....	64
8640. Oath of office and tenure of standby officers .....	64
8641. Duties of standby officers .....	64
8642. Meeting of local governing body when state of emergency exists .....	65
8643. Duties of local governing body during state of emergency .....	65
8644. Appointment of temporary officers .....	66

### Article 16 – General Fiscal Problems

8645. Expenditures from funds legally available .....	66
8646. Powers and duties of Governor .....	66
8647. Gift, grant, or loan of services, equipment or supplies by federal government or private party .....	67
8648. Reimbursement of state agencies for expenditures in performance of emergency duties .....	67
8649. Loan of personnel or equipment to Office of Emergency Services; reimbursement for services .....	68
8650. Crediting reimbursements to state agencies .....	68
8651. Procurement of surplus equipment from federal government .....	68
8652. Claims for taking or damaging private property .....	68
8653. Performance of services outside territorial limits of public agencies; claims for damage or destruction of equipment .....	69
8654. Authority of Governor during emergency or major disaster .....	69
8654.1. Northridge earthquake; financial assistance; federal funds .....	72

### Article 17 – Privileges and Immunities

8655. Liability for claim based upon exercise of discretionary function or duty ..	73
8655.5. Liability of donor organization for operating community warning program or system .....	73
8656. Extraterritorial performance of functions or duties; applicability of all privileges and immunities, exemptions, rights and benefits ....	75
8657. Volunteers and persons impressed into service during an emergency; immunities from liability .....	75
8658. Inmates of penal or correctional institution; removal to place of safety or release .....	76
8659. Health care providers rendering emergency aid immune from liability; exception .....	76
8660. Officers or employees rendering aid pursuant to interstate arrangement or compact; immunity from liability .....	77

### Article 18 – Political Activity

8661. Organizations prohibited from political activity .....	77
--------------------------------------------------------------	----



## **Natural Disaster Assistance Act**

### **Article 19 – Penalties and Severability**

8665. Persons violating or neglecting to obey lawful order or regulation; fine and imprisonment .....	77
8666. Effect of invalidity of provisions of their application .....	77

### **Article 20 – Effect Upon Existing Matters**

8668. Preexisting disaster council, civil defense and disaster plans, documents and agreements to remain in full force and effect .....	78
--------------------------------------------------------------------------------------------------------------------------------------------	----

2001 Legislation that Changes the Emergency Services Act and the Natural Disaster Assistance Act.....	79
----------------------------------------------------------------------------------------------------------	----

## **Natural Disaster Assistance Act**

### **Government Code**

#### **Chapter 7.5 of Division 1 of Title 2**

### **Article 1 – General Provisions and Definitions**

8680. Name and citation of act .....	81
8680.1. Definitions governing this chapter .....	81
8680.2. ‘Local agency’ defined .....	81
8680.25. Public infrastructure; allocation of funds .....	81
8680.3. ‘Natural disaster’ defined .....	82
8680.4. ‘Project’ defined .....	82
8680.5. ‘Project application’ defined .....	82
8680.6. ‘Street and highway project,’ ‘public facilities project’ defined .....	82
8680.7. ‘Director’ defined .....	83
8680.8. ‘State agency’ defined .....	83
8680.9. ‘Local emergency’ defined .....	83

### **Article 2 – Administration**

8682. Powers of the Director .....	83
8682.2. Service and duties of State agencies .....	83
8682.6. Hold harmless agreement .....	84
8682.8. Certification of claims; compliance audits .....	84
8682.9. Regulations; APA compliance .....	84

## Natural Disaster Assistance Act

### Article 3 – Allocations to State Agencies

8683. Director determines allocations .....	84
8684. Purpose and application of emergency funding .....	85
8684.2. Governor's emergency powers .....	87

### Article 4 – Allocations to Local Agencies

8685. Director to allocate funds; use of assistance funds .....	89
8685.2. Allocation to local agencies .....	90
8685.4. Local agency application for financial assistance .....	90
8686.4. Decision to replace or repair facilities .....	91
8686.8. Exceptions to financial matching requirements .....	91
8687. Sources of deferred payments .....	92
8687.6. Limitation of cost sharing suspension for counties .....	92

### Article 5 – Funds

8690.25. Natural Disaster Assistance Fund .....	92
8690.45. Earthquake Emergency Investigations Account .....	92
8690.6. Disaster Response-Emergency Operations Account .....	93
8690.7. Financial liability of counties which distribute funds .....	95
8690.8. 1987 Higher Education Earthquake Account .....	95
8691. Availability for transfer of money in Street and Highway Account .....	96
8692. Transfers to State Highway Account .....	97

Index .....	98
-------------	----

# California Emergency Services Act

Government Code

*Chapter 7 of Division 1 of Title 2*

## Article 1 – Purpose

### ***8550. Declaration of purpose and policy.***

The state has long recognized its responsibility to mitigate the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. To insure that preparations within the state will be adequate to deal with such emergencies, it is hereby found and declared to be necessary:

- (a) To confer upon the Governor and upon the chief executives and governing bodies of political subdivisions of this state the emergency powers provided herein; and to provide for state assistance in the organization and maintenance of the emergency programs of such political subdivisions;
- (b) To provide for a state agency to be known and referred to as the Office of Emergency Services, within the Governor's office; and to prescribe the powers and duties of the director of that office;
- (c) To provide for the assignment of functions to state agencies to be performed during an emergency and for the coordination and direction of the emergency actions of such agencies;
- (d) To provide for the rendering of mutual aid by the state government and all its departments and agencies and by the political subdivisions of this state in carrying out the purposes of this chapter;
- (e) To authorize the establishment of such organizations and the taking of such actions as are necessary and proper to carry out the provisions of this chapter.

## Emergency Services Act

It is further declared to be the purpose of this chapter and the policy of this state that all emergency services functions of this state be coordinated as far as possible with the comparable functions of its political subdivisions, of the federal government including its various departments and agencies, of other states, and of private agencies of every type, to the end that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency that may occur.

### ***8551. Short title***

This chapter may be cited as the “California Emergency Services Act.”

## Article 2 – General Definitions

### ***8555. Definitions governing construction of chapter***

Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

### ***8556. Governor***

“Governor” means the Governor or the person upon whom the powers and duties of the office of Governor have devolved pursuant to Section 10 of Article V of the California Constitution.

### ***8557. Other definitions***

- (a) “Emergency Council” means the California Emergency Council.
- (b) “State agency” means any department, division, independent establishment, or agency of the executive branch of the state government.
- (c) “Political subdivision” includes any city, city and county, county, district, or other local governmental agency or public agency authorized by law.
- (d) “Governing body” means the legislative body, trustees, or directors of a political subdivision.
- (e) “Chief executive” means that individual authorized by law to act for the governing body of a political subdivision.
- (f) “Disaster council” and “disaster service worker” have the meaning prescribed in Chapter 1 (commencing with Section 3201) of Part 1 of Division 4 of the Labor Code.

## Emergency Services Act

(g) “Public facility” means any facility of the state or a political subdivision, which facility is owned, operated, or maintained, or any combination thereof, through moneys derived by taxation or assessment.

(h) “Sudden and severe energy shortage” means a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, the Year 2000 Problem, or natural disasters, and which has statewide, regional, or local impact.

(i) “Year 2000 Problem” has the same meaning as that set forth in subdivision (a) of Section 3269 of the Civil Code.

### ***8558. Conditions or degrees of emergency***

Three conditions or degrees of emergency are established by this chapter:

(a) “State of war emergency” means the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

(b) “State of emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “state of war emergency,” which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

(c) “Local emergency” means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot,

## Emergency Services Act

drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, complications resulting from the Year 2000 Problem, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

### ***8559. Mutual aid recognition; operational area***

(a) A “mutual aid region” is a subdivision of the state emergency services organization, established to facilitate the coordination of mutual aid and other emergency operations within an area of the state consisting of two or more county operational areas.

(b) An “operational area” is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the county area.

### ***8560. Emergency plans; state emergency plan***

(a) “Emergency plans” means those official and approved documents which describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. These plans include such elements as continuity of government, the emergency services of governmental agencies, mobilization of resources, mutual aid, and public information.

(b) “State Emergency Plan” means the State of California Emergency Plan as approved by the Governor.

### ***8561. Master Mutual Aid Agreement***

“Master Mutual Aid Agreement” means the California Disaster and Civil Defense Master Mutual Aid Agreement, made and entered into by and between the State of California, its various departments and agencies, and the various political subdivisions of the state, to facilitate implementation of the purposes of this chapter.

## Emergency Services Act

### Article 3 – Powers of the Governor

#### ***8565. Powers granted to Governor additional to other powers***

The Governor shall have the powers granted by this article, which powers shall be in addition to any other powers granted to him by this chapter.

#### ***8566. Expenditure of appropriations***

The Governor is empowered to expend any appropriation for support of the California Emergency Services Act to carry out the provisions of this chapter.

#### ***8567. Orders and regulations; publicity and notice***

(a) The Governor may make, amend, and rescind orders and regulations necessary to carry out the provisions of this chapter. The orders and regulations shall have the force and effect of law. Due consideration shall be given to the plans of the federal government in preparing the orders and regulations. The Governor shall cause widespread publicity and notice to be given to all such orders and regulations, or amendments or rescissions thereof.

(b) Orders and regulations, or amendments or rescissions thereof, issued during a state of war emergency or state of emergency shall be in writing and shall take effect immediately upon their issuance. Whenever the state of war emergency or state of emergency has been terminated, the orders and regulations shall be of no further force or effect.

(c) All orders and regulations relating to the use of funds pursuant to Article 16 (commencing with Section 8645) shall be prepared in advance of any commitment or expenditure of the funds. Other orders and regulations needed to carry out the provisions of this chapter shall, whenever practicable, be prepared in advance of a state of war emergency or state of emergency.

(d) All orders and regulations made in advance of a state of war emergency or state of emergency shall be in writing, shall be exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, but shall be subject to the approval of the Emergency Council. As soon thereafter as possible they shall be filed in the office of the Secretary of State and with the county clerk of each county.

## Emergency Services Act

### ***8568. State Emergency Plan: where effective***

The State Emergency Plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof.

### ***8569. Coordination of State Emergency Plan with other plans and programs***

The Governor shall coordinate the State Emergency Plan and those programs necessary for the mitigation of the effects of an emergency in this state; and he shall coordinate the preparation of plans and programs for the mitigation of the effects of an emergency by the political subdivisions of this state, such plans and programs to be integrated into and coordinated with the State Emergency Plan and the plans and programs of the federal government and of other states to the fullest possible extent.

### ***8570. Power and authority of Governor to mitigate effect of emergency***

The Governor may, in accordance with the State Emergency Plan and programs for the mitigation of the effects of an emergency in this state:

- (a) Ascertain the requirements of the state or its political subdivisions for food, clothing, and other necessities of life in the event of an emergency.
- (b) Plan for, procure, and preposition supplies, medicines, materials, and equipment.
- (c) Use and employ any of the property, services, and resources of the state as necessary to carry out the purposes of this chapter.
- (d) Provide for the approval of local emergency plans.
- (e) Provide for mobile support units.
- (f) Provide for use of public airports.
- (g) Institute training programs and public information programs.
- (h) Make surveys of the industries, resources, and facilities, both public and private, within the state, as are necessary to carry out the purposes of this chapter.
- (i) Plan for the use of any private facilities, services, and property and,



## Emergency Services Act

when necessary, and when in fact used, provide for payment for that use under the terms and conditions as may be agreed upon.

(j) Take all other preparatory steps, including the partial or full mobilization of emergency organizations in advance of an actual emergency; and order those test exercises needed to insure the furnishing of adequately trained and equipped personnel in time of need.

### ***8570.5. Agricultural disasters***

The Office of Emergency Services shall develop a guidance document to the state emergency plan to specify the response of the state and its political subdivisions to agriculture-related disasters. This document shall be completed by January 2002 and shall include, but not be limited to, all of the following:

- (a) The roles and responsibilities of the county agricultural commissioners.
- (b) The roles and responsibilities of the Department of Agriculture and other relevant state agencies that are involved in the response to agriculture-related disasters.
- (c) Coordination of initial and ongoing crop damage assessments.
- (d) Disaster assistance between the time of the request for a federal disaster declaration and issuance of a federal declaration.
- (e) State assistance available if a requested federal declaration is not issued.
- (f) State assistance under a United States Department of Agriculture designation rather than a federal declaration.
- (g) State assistance for long-term unemployment in areas with high unemployment rates prior to an emergency.
- (h) Provision for the removal and elimination of extraordinary numbers of dead livestock for purposes of protecting public health and safety.
- (i) Strategies to assist in the development of an integrated and coordinated response by community-based organizations to the victims of agriculture-related disasters.
- (j) Procedures for the decontamination of individuals who have been or may have been exposed to hazardous materials, which may vary

## Emergency Services Act

depending on the hazards posed by a particular hazardous material. The report shall specify that individuals shall be assisted in a humanitarian manner.

(k) Integration of various local and state emergency response plans, including, but not limited to, plans that relate to hazardous materials, oil spills, public health emergencies, and general disasters.

### ***8571. Suspension of regulatory statutes and agency rules during states of emergency***

During a state of war emergency or a state of emergency the Governor may suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, including subdivision (d) of Section 1253 of the Unemployment Insurance Code, where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

#### ***8571.5. Inadequate supply of energy***

(a) When extraordinary conditions exist within the state relating to an inadequate supply of energy that has a strong potential for causing harm to the health and safety of residents of long-term health care facilities, as that term is used in Chapter 2.4 (commencing with Section 1417) of Division 2 of the Health and Safety Code, the Governor by executive order, or the Director of the Office of Statewide Health Planning and Development, may suspend enforcement of laws and regulations related to construction or renovation of existing long-term health care facilities. This section does not permit the suspension of the implementation of any provision of the Labor Code.

(b) The suspension authority provided under this section shall extend only to projects designed to cope with an energy shortage or enhance energy conservation. Any suspension implemented pursuant to subdivision (a), shall only remain in effect for the duration of the condition necessitating the need for the suspension or until the potential for harm caused by the condition creating the emergency situation no longer exists.

(c) A listing of the specific laws and regulations suspended and the specific conditions not subject to the suspension referenced in

## Emergency Services Act

subdivision (d), shall be defined by the Director of the Office of Statewide Health Planning and Development no later than 15 days after the issuance of the executive order pursuant to subdivision (a).

(d) This section shall not permit the suspension of the life safety requirements of the Office of Statewide Health Planning and Development and the office of the State Fire Marshal where the suspension would pose a greater danger than the situation caused by the extraordinary condition and the proposed action the licensee seeks to use to mitigate the potential harm or danger caused by the extraordinary condition.

(e) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

### ***8571.6. Long-term health care facilities***

(a) The Office of Statewide Health Planning and Development, in consultation with the office of the State Fire Marshal, shall establish specific laws and regulations from which exemptions may be granted pursuant to Section 8571.5 to long-term health care facilities, as that term is used in Chapter 2.4 (commencing with Section 1417) of Division 2 of the Health and Safety Code.

(b) The establishment of a list of exemptions pursuant to subdivision (a) shall not preclude the Governor or the Director of the Office of Statewide Health Planning and Development from adopting additional exemptions pursuant to an executive order issued pursuant to Section 8571.5.

(c) This section shall remain in effect only until January 1, 2003, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2003, deletes or extends that date.

### ***8572. Commandeering property or personnel during state of emergency; exemption of newspapers, radio or television***

In the exercise of the emergency powers hereby vested in him during a state of war emergency or state of emergency, the Governor is authorized to commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibilities hereby vested in him as Chief Executive of the state and the state shall pay the reasonable value thereof.

Notwithstanding the provisions of this section, the Governor is not authorized to commandeer any newspaper, newspaper wire service, or

## Emergency Services Act

radio or television station, but may, during a state of war emergency or state of emergency, and if no other means of communication are available, utilize any news wire services, and the state shall pay the reasonable value of such use. In so utilizing any such facilities, the Governor shall interfere as little as possible with their use for the transmission of news.

### ***8573. Cooperation with President and federal agencies***

The Governor may cooperate with the President and the heads of the armed forces and other agencies of the United States, and with officers and agencies of other states, on matters pertaining to emergencies; and he may take any steps he deems necessary to put into effect any rules, regulations, or suggestions made by such persons or agencies.

### ***8574. Provisions as not limiting to proclaim state of insurrection or martial law***

None of the provisions of this chapter shall limit, modify, or abridge the powers vested in the Governor under the Constitution or statutes of the state by proclamation, to declare any county, city and county, or city, or any portion thereof to be in a state of insurrection or to proclaim the existence of martial law and to exercise all the powers vested in him thereunder independent of, or in conjunction with, any of the provisions of this chapter.

## Article 3.5 – Oil spills

### ***8574.1 Establishment of contingency plan***

In addition to any other authority conferred upon the Governor by this chapter, the Governor shall establish a state oil spill contingency plan pursuant to this article.

### ***8574.2. Providing for procedure to combat results of oil spills***

Any plan established pursuant to this article shall provide for an integrated and effective state procedure to combat the results of major oil spills within the state. Such plan shall provide for specified state agencies to implement the plan.

### ***8574.3. Use of volunteer workers; worker's compensation***

State agencies granted authority to implement a plan adopted under this article may use volunteer workers. The volunteers shall be deemed employees of the state for the purpose of workers' compensation under Article 2 (commencing with Section 3350) of Chapter 2 of Part 1 of Division 4 of

## Emergency Services Act

the Labor Code. Any payments for workers' compensation under this section shall be made from the account specified in Section 8574.4.

### ***8574.4. Accounting for and paying state expenditures; liability; proceeds***

State agencies designated to implement the contingency plan shall account for all state expenditures made under the plan with respect to each oil spill. Expenditures accounted for under this section from an oil spill in marine waters shall be paid from the Oil Spill Response Trust Fund created pursuant to Section 8670.46. All other expenditures accounted for under this section shall be paid from the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund provided for in Article 3 (commencing with Section 13440) of Chapter 6 of Division 7 of the Water Code. If the party responsible for the spill is identified, that party shall be liable for the expenditures accounted for under this section, in addition to any other liability which may be provided for by law, in an action brought by the Attorney General. The proceeds from any such action for a spill in marine waters shall be paid into the Oil Spill Response Trust Fund.

### ***8574.7. Marine oil spill contingency planning section***

The Governor shall require the administrator, in consultation with the State Interagency Oil Spill Committee and not in conflict with the National Contingency Plan, to amend the state oil spill contingency plan by adding a marine oil spill contingency planning section which provides for the best achievable protection of the coast and marine waters. The marine oil spill contingency planning section shall consist of all of the following elements:

(a) A state marine response element that specifies the hierarchy for state and local agency response to an oil spill. The element shall define the necessary tasks for oversight and control of cleanup and removal activities associated with a marine oil spill and shall specify each agency's particular responsibility in carrying out these tasks. The element shall also include an organizational chart of the state marine oil spill response organization and a definition of the resources, capabilities, and response assignments of each agency involved in cleanup and removal actions in a marine oil spill.

(b) A regional and local planning element which shall provide the framework for the involvement of regional and local agencies in the state

## Emergency Services Act

effort to respond to a marine oil spill, and shall ensure the effective and efficient use of regional and local resources in all of the following:

- (1) Traffic and crowd control.
- (2) Firefighting.
- (3) Boating traffic control.
- (4) Radio and communications control and provision of access to equipment.
- (5) Identification and use of available local and regional equipment or other resources suitable for use in cleanup and removal actions.
- (6) Identification of private and volunteer resources or personnel with special or unique capabilities relating to marine oil spill cleanup and removal actions.
- (7) Provision of medical emergency services.

(c) A coastal protection element which establishes the state standards for coastline protection. The administrator, in consultation with the State Interagency Oil Spill Committee, the Coast Guard and Navy, and the shipping industry, shall develop criteria for coastline protection. If appropriate, the administrator shall consult with representatives from the States of Alaska, Washington, and Oregon, the Province of British Columbia in Canada, and the Republic of Mexico. The criteria shall designate at least all of the following:

- (1) Appropriate shipping lanes and navigational aids for tankers, barges, and other commercial vessels to reduce the likelihood of collisions between tankers, barges, and other commercial vessels. Designated shipping lanes shall be located off the coastline at a distance sufficient to significantly reduce the likelihood that disabled vessels will run aground along the coast of the state.
- (2) Ship position reporting and communications requirements.
- (3) Required predeployment of protective equipment for sensitive environmental areas along the coastline.
- (4) Required emergency response vessels which are capable of preventing disabled tankers from running aground.
- (5) Required emergency response vessels which are capable of commencing oil cleanup operations before spilled oil can reach the shoreline.

## Emergency Services Act

(6) An expedited decision-making process for dispersant use in coastal waters. Prior to adoption of the process, the administrator shall ensure that a comprehensive testing program is carried out for any dispersant proposed for use in California marine waters. The testing program shall evaluate toxicity and effectiveness of the dispersants.

(7) Required rehabilitation facilities for wildlife injured by spilled oil.

(8) An assessment of how activities that usually require a permit from a state or local agency may be expedited or issued by the administrator in the event of an oil spill.

(d) An environmentally and ecologically sensitive areas element which shall require the administrator, in conjunction with appropriate local agencies, to prepare and distribute to facilities and local and state agencies, regional maps depicting environmentally and ecologically sensitive areas in marine waters or along the coast. The maps shall designate those areas which have particularly high priority for protection against oil spills. The administrator shall specify protective requirements to be taken in the event of an oil spill for each environmentally and ecologically sensitive area.

(e) The administrator shall complete the marine oil spill contingency planning section by January 1, 1993. Any recommendations for action that cannot be financed or implemented pursuant to the existing authority of the administrator shall be reported to the Legislature along with recommendations for financing those actions.

(f) "Administrator," for purposes of this section, means the administrator appointed by the Governor pursuant to Section 8670.4.

### ***8574.8. Amended state oil spill contingency plan***

The administrator shall submit to the Governor and the Legislature the amended state oil spill contingency plan required, pursuant to Section 8574.7, by January 1, 1993. The administrator shall thereafter submit revised plans every three years.

### ***8574.9. State Interagency Oil Spill Committee***

(a) The State Interagency Oil Spill Committee shall consist of all of the following persons:

(1) The administrator named by the Governor pursuant to Section 8670.4.

## Emergency Services Act

- (2) The Chairperson of the State Lands Commission, or his or her designee.
- (3) The Chairperson of the California Coastal Commission, or his or her designee.
- (4) The Chairperson of the San Francisco Bay Conservation and Development Commission, or his or her designee. The chairperson of the commission shall only have voting and decision-making authority regarding matters under the jurisdiction of the commission.
- (5) A designated representative from all of the following agencies:
  - (A) The Office of Emergency Services.
  - (B) The State Water Resources Control Board.
  - (C) The Department of Justice.
  - (D) The California Highway Patrol.
  - (E) The California National Guard.
  - (F) The Division of Oil and Gas in the Department of Conservation.
  - (G) The Department of Toxic Substances Control.
  - (H) The Department of Transportation.
  - (I) The Department of Parks and Recreation.
  - (J) The Department of Water Resources.
  - (K) The Department of Forestry and Fire Protection.
  - (L) The State Fire Marshal.
  - (M) The California regional water quality control boards (one representative).
  - (N) The Resources Agency.
  - (O) The California Environmental Protection Agency.
  - (P) The California Conservation Corps.
  - (Q) The Office of Environmental Health Hazard Assessment.
  - (R) The Division of Occupational Safety and Health in the Department of Industrial Relations.
- (b) The administrator shall be the chairperson of the committee. The administrator shall ensure that personnel serve as staff to the committee.



## Emergency Services Act

### ***8574.10. Review Subcommittee of the State Interagency Oil Spill Committee***

(a) The Review Subcommittee of the State Interagency Oil Spill Committee is hereby established. As used in this chapter, “review subcommittee” means the Review Subcommittee of the State Interagency Oil Spill Committee. The Director of Fish and Game, who shall serve as chair of the review subcommittee, the Executive Officer of the State Lands Commission, the Executive Director of the California Coastal Commission, the State Fire Marshal, the State Oil and Gas Supervisor, the Executive Director of the State Water Resources Control Board, and the Executive Director of the San Francisco Bay Conservation and Development Commission, or their designees, shall constitute the members of the review subcommittee.

The representative of the San Francisco Bay Conservation and Development Commission only shall have voting and decision-making authority regarding matters under the jurisdiction of the commission.

The administrator may serve as the designee of the Director of Fish and Game.

(b) All regulations and guidelines adopted pursuant to Chapter 7.4 (commencing with Section 8670.1) and Division 7.8 (commencing with Section 8750) of the Public Resources Code, and amendments to the state oil spill contingency plan, shall, prior to adoption, be submitted to the review subcommittee for review and comment.

(c) Within 60 days from the date of receipt of regulations, guidelines, or amendments pursuant to subdivision (a), the review subcommittee shall review and submit comments to the submitting agency. Any recommendation of the review subcommittee shall be based on the standards of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, consisting of the provisions specified in Section 8670.1. This comment period may overlap any other comment periods required by law or allowed by the administrator.

(d) The comments and recommendations of the review subcommittee shall not be binding on the submitting agency. Prior to adoption, and within 30 days from the date of receipt of a response from the review subcommittee, the submitting agency shall respond in writing to the review subcommittee concerning all of the findings and recommendations of the review subcommittee. The submitting agency may reject the

## Emergency Services Act

recommendations of the review subcommittee only if the submitting agency determines that the action it chooses more effectively furthers the purposes of, and more effectively complies with, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. Whenever the submitting agency departs from a finding or recommendation of the review subcommittee, the written response of the submitting agency shall state its rationale for concluding that its action more effectively furthers the purposes of, and more effectively complies with, that act. Any public hearing that is required by this chapter or any other statute shall be held after the submitting agency has filed a response to the review subcommittee.

### Article 3.7 – Toxic Disasters

#### ***8574.16. Establishment of contingency plan***

The Governor shall establish a state toxic disaster contingency plan pursuant to this article.

#### ***8574.17. Agency implementation; management authority; central notification and reporting system***

(a) A state toxic disaster contingency plan established pursuant to this article shall provide for an integrated and effective state procedure to respond to the occurrence of toxic disasters within the state. The plan shall provide for the designation of a lead agency to direct strategy to ameliorate the effects of a toxic disaster, for specified state agencies to implement the plan, for interagency coordination of the training conducted by state agencies pursuant to the plan, and for on-scene coordination of response actions.

Notwithstanding any provision of the plan, the authority for the management of the scene of an on-highway toxic spill or disaster shall be vested in the appropriate law enforcement agency having primary traffic investigative authority on the highway where the incident occurs or in a local fire protection agency as provided by Section 2454 of the Vehicle Code. During the preparation of the toxic disaster contingency plan, the Office of Emergency Services shall adopt the recommendations of the Department of the California Highway Patrol in developing response and on-scene procedures for toxic disasters which occur upon the highways, based upon previous studies for such procedures, insofar as the procedures are not inconsistent with the overall plan for initial notification of toxic disasters by public agencies and for after-incident evaluation and reporting.

## Emergency Services Act

(b) The Office of Emergency Services shall establish a central notification and reporting system to facilitate operation of the state toxic disaster response procedures designated by the toxic disaster contingency plan.

### ***8574.18. 'Toxic disaster'; listing of toxic substances***

(a) For purposes of this article, a "toxic disaster" means an occurrence where toxic substances are dispersed in the environment in such a manner as to cause, or potentially cause, injury or death to a significant number of persons or significant harm to the natural environment, as determined by the implementing state agency, through direct or indirect contact with such toxic substances.

(b) The toxic disaster contingency plan shall provide a listing of the kinds of toxic substances which pose potential hazards to human health and the environment and which could be the subject of a toxic disaster.

For purposes of this article, "toxic substances" means, for highway transportation purposes, substances and materials designated as hazardous by the United States Department of Transportation for purposes of Parts 172, 173, and 177 of Title 49 of the Code of Federal Regulations.

## Article 3.8 – Hazardous Substance Emergency Response Training

### ***8574.19. Sudden release of hazardous substances into the environment***

(a) The Legislature hereby finds and declares that, in order to protect the public health and safety and the environment, and to reduce personal injury and property loss resulting from the sudden release of hazardous substances into the environment, it is necessary to establish a single, coordinated, and standardized hazardous substances incident response training and education plan for firefighters and law enforcement, emergency rescue, and environmental health personnel. A standardized hazardous substances incident response training and education program is necessary to ensure a coordinated emergency response capability throughout the state, and to eliminate duplicative and inconsistent hazardous substances emergency response training and education programs.

(b) In enacting this article, the Legislature recognizes that it is necessary to designate a single state agency to be responsible for the development

## Emergency Services Act

of minimum standards relative to course content and subject matter for training and education of hazardous substance incident response personnel in order to avoid duplication of effort and inconsistent applications of safety procedures and protocols. The Legislature does not intend, by enacting this article, to preempt or nullify any hazardous substance incident response procedures and protocols which take into account existing conditions peculiar to a locality or region.

(c) For purposes of this article, “program” means the California Hazardous Substances Incident Response Training and Education Program established pursuant to Section 8574.20.

### ***8574.20 Establishment of Hazardous Substances Incident Response Training and Education Program***

Not later than 18 months after the effective date of this article, the Office of Emergency Services shall establish and manage the California Hazardous Substances Incident Response Training and Education Program to provide approved classes in hazardous substance response, taught by trained instructors, and to certify students who have completed these classes. To carry out this program, the Office of Emergency Services shall do all of the following:

- (a) Adopt regulations necessary to implement the program.
- (b) Establish a training and education program by developing the curriculum to be used in the program in colleges, academies, the California Specialized Training Institute, and other educational institutions, as specified in Section 8574.21.
- (c) Establish recommended minimum standards for training emergency response personnel and instructors, including, but not limited to, fire, police, and environmental health personnel.
- (d) Make available a training and education program in the use of hazardous substances emergency rescue, safety, and monitoring equipment, on a voluntary basis, at the California Specialized Training Institute.
- (e) Train and certify instructors at the California Specialized Training Institute according to standards and procedures developed by the curriculum development advisory committee, as specified in Section 8574.21.

## Emergency Services Act

(f) Approve classes, as meeting the requirements of the program, if the classes meet the curriculum developed by the Office of Emergency Services pursuant to Section 8574.21 and the instructor received training and certification at the California Specialized Training Institute, as specified in subdivision (e).

(g) Certify students who have successfully completed a class approved as meeting the requirements of the program.

(h) Review and revise, as necessary, the program.

(i) Establish and collect admission fees and other fees that may be necessary to be charged for advanced or specialized training given at the California Specialized Training Institute. These fees shall be used to offset costs incurred pursuant to this article.

### ***8574.21 Curriculum for training instructors at California Specialized Training Institute***

(a) The Office of Emergency Services shall develop the curriculum to be used in classes that meet the program requirements and shall adopt standards and procedures for training instructors at the California Specialized Training Institute.

(b) The curriculum for the training and education program established pursuant to this article shall include all of the following aspects of hazardous substance incident response actions:

- (1) First responder training.
- (2) On-scene manager training.
- (3) Hazardous substance incident response training for management personnel.
- (4) Hazardous materials specialist training that equals or exceeds the standards of the National Fire Protection Association.
- (5) Environmental monitoring.
- (6) Hazardous substance release investigations.
- (7) Hazardous substance incident response activities at ports.

(c) The Office of Emergency Services shall establish a curriculum development advisory committee, which shall consist of a representative from each of the following agencies or organizations:

## Emergency Services Act

- (1) The Office of Emergency Services.
- (2) The Office of the State Fire Marshal.
- (3) The Department of Toxic Substances Control.
- (4) The Department of Fish and Game.
- (5) The State Water Resources Control Board.
- (6) The Department of the California Highway Patrol.
- (7) The California Police Chiefs' Association.
- (8) The California Fire Chiefs' Association.
- (9) The Commission on Police Officer Standards and Training.
- (10) The California District Attorneys' Association.
- (11) The Department of Forestry and Fire Protection.
- (12) The Emergency Medical Services Authority.
- (13) The Department of Transportation.
- (14) The Environmental Protection Agency.
- (15) The Chemical Industry Council of California.
- (16) The California Manufacturers Association.
- (17) The California Conference of Local Health Officers.
- (18) The University of California.
- (19) The California State Fireman's Association.
- (20) The California State University.
- (21) The California Professional Firefighters.
- (22) The California Association of Highway Patrolmen.
- (23) The Office of Environmental Health Hazard Assessment.

(d) The curriculum development advisory committee shall advise the Office of Emergency Services on the development of course curricula and the standards and procedures specified in subdivision (a). In advising the Office of Emergency Services, the committee shall do the following:

- (1) Assist, and cooperate with, representatives of the Board of Governors of the California Community Colleges in developing the course curricula.
- (2) Ensure that the curriculum developed pursuant to this section

## Emergency Services Act

is accredited by the State Board of Fire Services.

(3) Define equivalent training and experience considered as meeting the initial training requirements as specified in subdivision (a) that existing employees might have already received from actual experience or formal education undertaken, and which would qualify as meeting the requirements established pursuant to this article.

(e) The representative from the Office of Emergency Services shall serve as the chairperson of the curriculum development advisory committee.

(f) After the course curricula and standards are established pursuant to subdivision (a), the curriculum development advisory committee shall meet at least once each year to review the program and advise the Office of Emergency Services on any required revisions.

(g) The Office of Emergency Services shall make the curriculum development advisory committee a subcommittee of the Curriculum Advisory Board of the California Specialized Training Institute.

(h) This article does not affect the authority of the State Fire Marshal granted pursuant to Section 13142.4 or 13159 of the Health and Safety Code.

(i) Upon completion of instructor training and certification pursuant to subdivision (e) of Section 8574.20 by any employee of the Department of the California Highway Patrol, the Commissioner of the California Highway Patrol may deem any training programs taught by that employee to be equivalent to any training program meeting the requirements established pursuant to this article.

### ***8574.22 Hiring professional and clerical staff***

The Office of Emergency Services may hire professional and clerical staff pursuant to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2). However, any person employed pursuant to this section shall be employed only at the California Specialized Training Institute.

### ***8574.23 Implementation report***

Not later than 18 months after the effective date of this article, the Office of Emergency Services shall submit a report to the Legislature concerning the implementation of this article, including the locations of

## Emergency Services Act

any classes and any recommendations for future legislative or administrative action.

### Article 4 – California Emergency Council

#### ***8575. Creation and membership***

There is hereby created a California Emergency Council, to consist of the following:

- (a) The Governor, or an alternate appointed by him;
- (b) The Lieutenant Governor, or an alternate appointed by him;
- (c) The Attorney General, or an alternate appointed by him;
- (d) One representative of the city governments of the state and one representative of the county governments of the state, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties;
- (e) One representative of the American National Red Cross, to be appointed by the Governor;
- (f) One representative of the city or county fire services of the state and one representative of the city or county law enforcement services of the state, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties.

The President pro Tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Emergency Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as Members of the Legislature.

If the President pro Tempore of the Senate does not desire to serve on the Emergency Council, the Senate Rules Committee may appoint a Member of the Senate to serve in his stead. If the Speaker of the Assembly does not desire to serve on the Emergency Council, he may appoint a Member of the Assembly to serve in his stead.

#### ***8576. Governor as ex officio Chairman of Emergency Council***

The Governor shall be ex officio Chairman of the Emergency Council.



## Emergency Services Act

### ***8577. Compensation for services***

Neither the members of the Emergency Council nor the Members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder.

### ***8578. Frequency of meetings***

The Emergency Council shall meet upon call of the Governor, not less frequently than annually. Except during a state of war emergency or a state of emergency, notice of such meeting shall be given to each member not less than 15 days prior to the day selected by the Governor for the meeting of the Emergency Council.

### ***8579. Powers and duties of the Emergency Council***

It shall be the duty of the Emergency Council, and it is hereby empowered, to act as an advisory body to the Governor in times of emergency and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action.

The powers and duties of the Emergency Council shall include the following:

- (a) To consider, recommend, and approve orders and regulations which are within the province of the Governor to promulgate;
- (b) To consider and recommend to the Governor for approval the boundaries of such mutual aid regions of the state as may be designated;
- (c) To recommend to the Governor the assignment of any responsibility, service, or activity relative to emergencies or emergency planning to a state agency having duties related to such responsibility, service, or activity;
- (d) To consider and recommend the creation by the Governor of advisory committees in order to make civilian participation and cooperation in emergency planning and activities available to the state;
- (e) To consider and recommend the expenditures of moneys appropriated for any of the objectives or purposes of this chapter;
- (f) To consider and recommend to the Governor for approval a State Emergency Plan built around mutual aid and the integration into such plan of the several state agencies whose resources are necessary in coping with emergencies;

## Emergency Services Act

- (g) To certify the accredited status of local disaster councils;
- (h) To encourage the development and maintenance of emergency plans based on mutual aid, whereunder political subdivisions may most effectively protect life and property and mitigate other effects of emergencies;
- (i) To evaluate and report to the Governor on state communications systems with particular regard to their adequacy in case of emergency.

### ***8580. Establishment of classes of disaster service workers and scope of duties; worker's compensation***

The Emergency Council shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The Emergency Council shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the payment of workers' compensation.

### ***8581. Certification of accredited status of local disaster councils; reports by Governor***

At any time when the Emergency Council is not meeting the Governor may certify the accredited status of local disaster councils, subject to the requirements of Section 8612. Such certification shall be final for all purposes, subject to the power of the Emergency Council to set aside such certification and exercise the authority granted to it by this chapter.

At each meeting of the Emergency Council, the Governor shall report to it any action taken by him pursuant to this section subsequent to its last meeting.

### ***8582. Establishment of committee of agency heads to aid council***

Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of state agencies, should he deem it necessary to aid him or the Emergency Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

## Article 4.5 – Urban Heavy Rescue Act

### ***8584. Citation of article***

This article shall be known and may be cited as the Urban Heavy Rescue Act of 1988.

## Emergency Services Act

### ***8584.1. Acquisition and maintenance of urban heavy rescue units***

(a) It is the intent of the Legislature that the state have an urban heavy rescue capability in the event of a major earthquake. It is also the intent of the Legislature that the Office of Emergency Services and the State Fire Marshal's Office pursue the necessary funding to carry out this article through the normal budget process.

(b) The Fire and Rescue Division of the Office of Emergency Services shall acquire and maintain urban heavy rescue units and transportable caches of search and rescue gear, including hand tools and protective gear. The division shall position the units and caches to ensure a rapid response of personnel and equipment anywhere in the state, and ensure that a unit will be available on the scene within one hour of a major earthquake.

(c) The State Fire Marshal's Office shall coordinate the training of personnel in the use of the units and equipment in cooperation with the Office of Emergency Services.

## Article 5 – Office of Emergency Services

### ***8585. State Civil Defense Agency; director; appointment and salary***

There is in the office of the Governor the Office of Emergency Services, which office is the State Civil Defense Agency. The Director of the Office of Emergency Services, who shall also be the State Director of Civil Defense and the State Director of Emergency Planning, shall be in charge of the Office of Emergency Services and shall have all the rights and powers of a head of a department as provided by the Government Code.

The Director of the Office of Emergency Services shall be appointed by the Governor with the consent of the Senate, and shall serve at the pleasure of the Governor. The Governor shall also appoint a Deputy Director of the Office of Emergency Services who shall serve at the pleasure of the Governor. The Director and Deputy Director of the Disaster Office on the effective date of this section shall continue to serve as the Director and Deputy Director, respectively, of the Office of Emergency Services until their successors are appointed and qualified.

The Director of the Office of Emergency Services shall receive an annual salary as provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

## Emergency Services Act

### ***8586. Assignment of powers by Governor; appointment of employees***

The Governor shall assign all or part of his powers and duties under this chapter to the Office of Emergency Services.

The Director of the Office of Emergency Services shall appoint pursuant to the State Civil Service Act such employees as are needed.

### ***8587. Coordination of emergency activities of state agencies; delegation of powers***

During a state of war emergency, a state of emergency, or a local emergency, the director shall coordinate the emergency activities of all state agencies in connection with such emergency, and every state agency and officer shall cooperate with the director in rendering all possible assistance in carrying out the provisions of this chapter.

In addition to the powers herein designated, the Governor may delegate any of the powers vested in him under this chapter to the Director of the Office of Emergency Services except the power to make, amend, and rescind orders and regulations, and the power to proclaim a state of emergency.

#### ***8587.5. Research program***

(a) The Department of Transportation shall, in cooperation with interested cities with Traffic Signal Override Systems, apply to the United States Secretary of Transportation for federal funding to conduct a research program in one or more cities to test the effectiveness of the installation of signal emitters and sensors in emergency response vehicles in reducing accidents and injuries.

(b) The project shall study the reduction in accidents and injuries involving emergency response vehicles in the program areas, shall, if possible, assess any reduction in response times by emergency response vehicles in the program areas, and may study other valuable data as deemed appropriate.

(c) The application shall seek full federal funding for the project, including the evaluation component. If the United States Secretary of Transportation requires a nonfederal share of funding, the participating local governments shall pay this share equally.

## Emergency Services Act

(d) The department shall apply for federal funding within six months of the effective date of this section unless good cause exists to apply later or not to apply.

(e) Within six months after the study has been completed, the department shall submit a written report of its findings to the Senate Committee on Budget and Fiscal Review, the Senate Committee on Transportation, the Assembly Committee on Budget, and the Assembly Committee on Transportation.

### ***8587.7. Educational pamphlet***

(a) The Office of Emergency Services, in cooperation with the State Department of Education, the Department of General Services, and the Seismic Safety Commission, shall develop an educational pamphlet for use by grades K-14 personnel to identify and mitigate the risks posed by nonstructural earthquake hazards.

(b) The office shall print and distribute the pamphlet to the governing board of each school district and community college district in the state, along with a copy of the current edition of the office's school emergency response publication. The office shall also make the pamphlet or the current edition of the office's school emergency response publication available to a private elementary or secondary school upon request.

(c) The office, as soon as feasible, shall make the pamphlet and the current edition of the office's school emergency response publication available by electronic means, including, but not limited to, the Internet.

### ***8588. Proclamation of state of emergency; ratification by***

Whenever conditions exist within any region or regions of the state which warrant the proclamation by the Governor of a state of emergency and the Governor has not acted under the provisions of Section 8625, by reason of the fact that he has been inaccessible, the Director of the Office of Emergency Services may proclaim the existence of a state of emergency in the name of the Governor as to any region or regions of the state. Whenever the Director of the Office of Emergency Services has so proclaimed a state of emergency, such action shall be ratified by the Governor as soon as he becomes accessible, and in the event the Governor does not ratify the action he shall immediately terminate the state of emergency as proclaimed by the Director of the Office of Emergency Services.

## Emergency Services Act

### ***8588.3. Legislative findings and declarations; transfer of California Specialized Training Institute to Office of Emergency Services***

(a) The Legislature finds and declares that it is the responsibility of the State of California to protect and preserve the right of its citizens to a safe and peaceful existence. To accomplish this goal and to minimize the destructive impact of disasters and other massive emergencies, the actions of numerous public agencies must be coordinated to effectively manage all four phases of emergency activity: preparedness, mitigation, response, and recovery. In order to ensure that the state's response to disasters or massive emergencies is effective, specialized training is necessary.

(b) The California Specialized Training Institute of the office of the Adjutant General is hereby transferred to the Office of Emergency Services. The institute shall assist the Governor in providing, pursuant to subdivision (f) of Section 8570, training to state agencies, cities, and counties in their planning and preparation for disasters.

(c) The Director of the Office of Emergency Services may solicit, receive, and administer funds or property from federal, state, or other public agency sources for the support and operation of the institute.

(d) The Director of the Office of Emergency Services may solicit and receive firearms, other weaponry, explosive materials, chemical agents, and other items confiscated by or otherwise in the possession of law enforcement officers as donations to the institute if he or she deems them to be appropriate for the institute's training purposes.

(e) Any moneys received by the Director of the Office of Emergency Services from charges or fees imposed in connection with the operation of the institute shall be deposited in the General Fund.

### ***8588.5. Promotion of increase in number of trained disaster dog teams***

To promote an increase in the number of trained disaster search dog teams, the Office of Emergency Services shall do all of the following:

(a) Conduct a study to determine the feasibility and effectiveness of cross-training existing law enforcement patrol dog teams or contraband detection dog teams, or both, to function also as disaster search dog teams. The office shall report its findings to the Legislature by January 31, 1991.

## Emergency Services Act

- (b) Provide instruction to California disaster dog trainers in Swiss techniques.
- (c) Work to secure authorization to conduct training for disaster search dog teams at existing facilities operated by the California National Guard and the Department of Transportation on the grounds of Camp San Luis Obispo.
- (d) Engage in recruiting activities for the purpose of increasing the number of disaster search dog teams in southern California.
- (e) Reimburse disaster search dog handlers and instructors for the costs of their travel and that of their dogs to training facilities within California.

### ***8588.7. Mobile communication translators***

- (a) The Office of Emergency Services shall procure mobile communication translators to enable mutual-aid emergency response agencies to communicate effectively while operating on incompatible frequencies.
- (b) Translators shall be located in the San Francisco Bay area and the Los Angeles metropolitan area, made ready for use by local public safety officials by the Office of Emergency Services, and provided to the appropriate state-established mutual-aid region pursuant to Section 8600.
- (c) The Office of Emergency Services shall implement this section only to the extent that funds are appropriated to the office for this purpose in the Budget Act or in other legislation.

### ***8588.8. Year 2000 Problem***

The Office of Emergency Services shall serve as the central agency in state government for the emergency reporting of all disasters and sudden and severe energy shortages related to, or potentially related to, the Year 2000 Problem and shall coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those situations as they arise.

### ***8589. Use of State and local fair properties***

The Office of Emergency Services shall be permitted such use of all state and local fair properties as conditions require.

## Emergency Services Act

### ***8589.1. State Computer Emergency Data Exchange Program; participating agency; Legislative intent***

(a) The Office of Emergency Services shall plan to establish the State Computer Emergency Data Exchange Program (SCEDEP) which shall be responsible for collection and dissemination of essential data for emergency management.

(b) Participating agencies in SCEDEP shall include the Department of Water Resources, Department of Forestry and Fire Protection, Department of the California Highway Patrol, Department of Transportation, Emergency Medical Services Agency, the State Fire Marshal, and any other state agency which collects critical data and information which affects emergency response.

(c) It is the intent of the Legislature that the State Computer Emergency Data Exchange Program facilitate communication between state agencies and that emergency information be readily accessible to city and county emergency services offices. The Office of Emergency Services shall develop policies and procedures governing the collection and dissemination of emergency information and shall recommend or design the appropriate software and programs necessary for emergency communications with city and county emergency services offices.

### ***8589.2. Plan for hazardous material mutual aid***

The Office of Emergency Services, in consultation with the California Highway Patrol and other state and local agencies, shall establish a statewide plan for the delivery of hazardous material mutual aid.

Within 180 days of the adoption of a plan by the Office of Emergency Services, an entity will only be considered a candidate for training or equipment funds provided by the state for hazardous material emergency response when that entity is a signatory to the plan established under this section.

(a) For the purpose of this chapter “hazardous material emergency response” includes, but is not limited to, assessment, isolation, stabilization, containment, removal, evacuation, neutralization, transportation, rescue procedures, or other activities necessary to ensure the public safety during a hazardous materials emergency.

(b) For the purpose of this chapter, “hazardous material” will be defined as in Section 25501 of the Health and Safety Code.



## Emergency Services Act

(c) Entities providing hazardous material emergency response services under this chapter shall be exempt from the fee restriction of Section 6103.

### ***8589.3. Disclosures; flood hazard area***

(a) A person who is acting as an agent for a transferor of real property that is located within a special flood hazard area (any type Zone “A” or “V”) designated by the Federal Emergency Management Agency, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within a special flood hazard area.

(b) Disclosure is required pursuant to this section only when one of the following conditions is met:

- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within a special flood hazard area.
- (2) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.

(d) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the transferor:

- (1) Persons specified in Section 1103.11 of the Civil Code.
- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.

(e) Section 1103.13 of the Civil Code shall apply to this section.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of

## Emergency Services Act

law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

(g) A notice shall be posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the special flood hazard area map, any relevant Letters of Map Revision from the Federal Emergency Management Agency, and any parcel list compiled by the local jurisdiction.

### ***8589.4. Flood hazard disclosures***

(a) A person who is acting as an agent for a transferor of real property that is located within an area of potential flooding shown on an inundation map designated pursuant to Section 8589.5, or the transferor if he or she is acting without an agent, shall disclose to any prospective transferee the fact that the property is located within an area of potential flooding.

(b) Disclosure is required pursuant to this section only when one of the following conditions is met:

- (1) The transferor, or the transferor's agent, has actual knowledge that the property is within an inundation area.
- (2) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.

(c) In all transactions that are subject to Section 1103 of the Civil Code, the disclosure required by subdivision (a) of this section shall be provided by either of the following means:

- (1) The Local Option Real Estate Disclosure Statement as provided in Section 1102.6a of the Civil Code.
- (2) The Natural Hazard Disclosure Statement as provided in Section 1103.2 of the Civil Code.

(d) For purposes of the disclosure required by this section, the following persons shall not be deemed agents of the transferor:

- (1) Persons specified in Section 1103.11 of the Civil Code.
- (2) Persons acting under a power of sale regulated by Section 2924 of the Civil Code.

## Emergency Services Act

(e) Section 1103.13 of the Civil Code shall apply to this section.

(f) The specification of items for disclosure in this section does not limit or abridge any obligation for disclosure created by any other provision of law or that may exist in order to avoid fraud, misrepresentation, or deceit in the transfer transaction.

### ***8589.5. Inundation maps***

(a) Inundation maps showing the areas of potential flooding in the event of sudden or total failure of any dam, the partial or total failure of which the Office of Emergency Services determines, after consultation with the Department of Water Resources, would result in death or personal injury, shall be prepared and submitted as provided in this subdivision within six months after the effective date of this section, unless the time for submission of those maps is extended for reasonable cause by the Office of Emergency Services.

The local governmental organization, utility, or other owner of any dam so designated shall submit to the Office of Emergency Services one map that shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity, or if the local governmental organization, utility, or other owner of any dam shall determine it to be desirable, he or she shall submit three maps that shall delineate potential flood zones that could result in the event of dam failure when the reservoir is at full capacity, at median-storage level, and at normally low-storage level.

After submission of copies of the map or maps, the Office of Emergency Services shall review the map or maps, and shall return any map or maps that do not meet the requirements of this subdivision, together with recommendations relative to conforming to the requirements. Maps rejected by the Office of Emergency Services shall be revised to conform to those recommendations and resubmitted.

The Office of Emergency Services shall keep on file those maps that conform to the provisions of this subdivision. Maps approved pursuant to this subdivision shall also be kept on file with the Department of Water Resources. The owner of a dam shall submit final copies of those maps to the Office of Emergency Services that shall immediately submit identical copies to the appropriate public safety agency of any city, county, or city and county likely to be affected.

## Emergency Services Act

(b) Based upon a review of inundation maps submitted pursuant to subdivision (a) or based upon information gained by an onsite inspection and consultation with the affected local jurisdiction when the requirement for an inundation map is waived pursuant to subdivision (d), the Office of Emergency Services shall designate areas within which death or personal injury would, in its determination, result from the partial or total failure of a dam.

The appropriate public safety agencies of any city, county, or city and county, the territory of which includes any of those areas, shall adopt emergency procedures for the evacuation and control of populated areas below those dams. The Office of Emergency Services shall review the procedures to determine whether adequate public safety measures exist for the evacuation and control of populated areas below the dams, and shall make recommendations with regard to the adequacy of those procedures to the concerned public safety agency. In conducting the review, the Office of Emergency Services shall consult with appropriate state and local agencies.

Emergency procedures specified in this subdivision shall conform to local needs, and may be required to include any of the following elements or any other appropriate element, in the discretion of the Office of Emergency Services: (1) delineation of the area to be evacuated; (2) routes to be used; (3) traffic control measures; (4) shelters to be activated for the care of the evacuees; (5) methods for the movement of people without their own transportation; (6) identification of particular areas or facilities in the flood zones that will not require evacuation because of their location on high ground or similar circumstances; (7) identification and development of special procedures for the evacuation and care of people from unique institutions; (8) procedures for the perimeter and interior security of the area, including such things as passes, identification requirements, and antilooting patrols; (9) procedures for the lifting of the evacuation and reentry of the area; and (10) details of which organizations are responsible for these functions and the material and personnel resources required. It is the intent of the Legislature to encourage each agency that prepares emergency procedures to establish a procedure for their review every two years.

(c) "Dam," as used in this section, has the same meaning as specified in Sections 6002, 6003, and 6004 of the Water Code.

## Emergency Services Act

(d) Under certain exceptional conditions as follows, the Office of Emergency Services may waive the requirement for an inundation map:

- (1) Where the effects of potential inundation in terms of death or personal injury, as determined through onsite inspection by the Office of Emergency Services in consultation with the affected local jurisdictions, can be ascertained without an inundation map; and
- (2) Where adequate evacuation procedures can be developed without benefit of an inundation map.

(e) If development should occur in any exempted area after a waiver has been granted, the local jurisdiction shall notify the Office of Emergency Services of that development. All waivers shall be reevaluated every two years by the Office of Emergency Services.

(f) A notice shall be posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map, and of any information received by the county subsequent to the receipt of the map regarding changes to inundation areas within the county.

### ***8589.6. Development of model guidelines for local disaster registry programs***

(a) The Office of Emergency Services shall develop model guidelines for local government agencies and community-based organizations planning to develop a disaster registry program. Adoption of the model guidelines shall be voluntary. Local governmental agencies or community-based organizations wishing to establish a disaster registry program may consult with the Office of Emergency Services for further guidance.

b) The guidelines required by subdivision (a) shall address, at a minimum, all of the following issues:

- (1) A purpose statement specifying that the intent of the registry is not to provide immediate assistance during a local, state, or national disaster, to those who are registered, but to encourage that those registered will receive a phone call or visit from neighborhood disaster volunteers or other organizations specified in the final local plan as soon as possible after the disaster in order to check on their well-being and ask if they need assistance. This statement shall also specify that persons registered should be prepared to be self-sufficient for at least 72 hours.

## Emergency Services Act

- (2) A list of persons eligible for the registry. This list shall include, but not be limited to, disabled persons, including those with developmental disabilities, the elderly, those for whom English is not a first language, persons who are unskilled or deficient in the English language, long-term health care facilities, residential community care facilities, and residential care facilities for the elderly.
- (3) A statement specifying that the party responsible for responding to those registered will not be held liable for not responding.
- (4) A plan for ensuring that hard data is available if computers shut down.
- (5) A recommendation for those persons or organizations that would be appropriate to respond to persons on the disaster registry, and a plan for training the responsible party.
- (6) A plan for community outreach to encourage those eligible to participate.
- (7) A plan for distribution of preparedness materials to those eligible to participate in the disaster registry.
- (8) Recommendations and assistance for obtaining federal and state moneys to establish a disaster registry.
- (9) A recommendation that organizations currently providing services to persons who are eligible for the disaster registry program be encouraged to alter their information form to include a space on the form where the person has the option of registering for the program. By checking the box and giving approval to be registered for the program the person waives confidentiality rights. Despite this waiver of confidentiality rights, local government agencies and community-based organizations planning to develop a disaster registry are encouraged to do everything possible to maintain the confidentiality of their registries. Organizations that currently have lists of people who would be eligible to register for the program should be encouraged to share this information with persons establishing a disaster registry.

### ***8589.7. Disasters; hazardous substances and materials spills; reporting requirements***

- (a) In carrying out its responsibilities pursuant to subdivision (b) of Section 8574.17, the Office of Emergency Services shall serve as the central point in state government for the emergency reporting of spills,

## Emergency Services Act

unauthorized releases, or other accidental releases of hazardous materials and shall coordinate the notification of the appropriate state and local administering agencies that may be required to respond to those spills, unauthorized releases, or other accidental releases. The Office of Emergency Services is the only state agency required to make the notification required by subdivision (b).

(b) Upon receipt of a report concerning a spill, unauthorized release, or other accidental release involving hazardous materials, as defined in Section 25501 of the Health and Safety Code, or concerning a rupture of, or an explosion or fire involving, a pipeline reportable pursuant to Section 51018, the Office of Emergency Services shall immediately inform the following agencies of the incident:

(1) For an oil spill reportable pursuant to Section 8670.25.5, the Office of Emergency Services shall inform the administrator for oil spill response, the State Lands Commission, the California Coastal Commission, and the California regional water quality control board having jurisdiction over the location of the discharged oil.

(2) For a rupture, explosion, or fire involving a pipeline reportable pursuant to Section 51018, the Office of Emergency Services shall inform the State Fire Marshal.

(3) For a discharge in or on any waters of the state of a hazardous substance or sewage reportable pursuant to Section 13271 of the Water Code, the Office of Emergency Services shall inform the appropriate California regional water quality control board.

(4) For a spill or other release of petroleum reportable pursuant to Section 25270.8 of the Health and Safety Code, the Office of Emergency Services shall inform the local administering agency that has jurisdiction over the spill or release.

(5) For a crude oil spill reportable pursuant to Section 3233 of the Public Resources Code, the Office of Emergency Services shall inform the Division of Oil, Gas, and Geothermal Resources and the appropriate California regional water quality control board.

(c) This section does not relieve a person who is responsible for an incident specified in subdivision (b) from the duty to make an emergency notification to a local agency, or the 911 emergency system, under any other law.

## Emergency Services Act

(d) A person who is subject to Section 25507 of the Health and Safety Code shall immediately report all releases or threatened releases pursuant to that section to the appropriate local administering agency and each local administering agency shall notify the Office of Emergency Services and businesses in their jurisdiction of the appropriate emergency telephone number that can be used for emergency notification to the administering agency on a 24-hour basis. The administering agency shall notify other local agencies of releases or threatened releases within their jurisdiction, as appropriate.

(e) No facility, owner, operator, or other person required to report an incident specified in subdivision (b) to the Office of Emergency Services shall be liable for any failure of the Office of Emergency Services to make a notification required by this section or to accurately transmit the information reported.

### Article 5.5 – State Assistance for Fire Equipment Act

#### ***8589.8. Citation of article***

This article shall be known and may be cited as the State Assistance for Fire Equipment Act.

#### ***8589.9. Legislative findings and declaration; legislative intent***

The Legislature finds and declares that there is a growing need to find new ways to acquire firefighting apparatus and equipment for use by local agencies. Local agencies, particularly those which serve rural areas, have had and are likely to continue to have, difficulty acquiring firefighting apparatus and equipment. The Legislature further finds and declares that this situation presents a statewide problem for the protection of the public safety.

In enacting this article, the Legislature intends to create new ways for the Office of Emergency Services to help local agencies acquire firefighting apparatus and equipment. Through the identification of available apparatus and equipment, the acquisition of new and used apparatus and equipment, the refurbishing and resale of used apparatus and equipment, and assisting the financing of resales, the Office of Emergency Services will help local agencies meet public safety needs.



## Emergency Services Act

### ***8589.10. Definitions***

As used in this article:

- (a) “Acquire” means acquisition by purchase, grant, gift, or any other lawful means.
- (b) “Director” means the Director of the Office of Emergency Services.
- (c) “Firefighting apparatus and equipment” means any vehicle and its associated equipment which is designed and intended for use primarily for firefighting. “Firefighting apparatus and equipment” does not include vehicles which are designed and intended for use primarily for emergency medical services, rescue services, communications and command operations, or hazardous materials operations.
- (d) “Indirect expenses” means those items which are identified as indirect costs in the federal Office of Management and Budget Circular A-87 on January 1, 1985.
- (e) “Local agency” means any city, county, special district, or any joint powers agency composed exclusively of those agencies, which provides fire suppression services. “Local agency” also includes a fire company organized pursuant to Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code.
- (f) “Office” means the Office of Emergency Services.
- (g) “Rural area” means territory which is outside of any urbanized area designated by the United States Bureau of the Census from the 1980 federal census.

### ***8589.11. Acquisition of firefighting apparatus for resale; repair or refurbishing***

The office may acquire new or used firefighting apparatus and equipment for resale to local agencies. If the apparatus or equipment is in a used condition, the office may contract with the Prison Industry Authority to repair or refurbish the apparatus or equipment to acceptable fire service standards before resale. The resale price shall recover the office's cost of acquisition, repairing, refurbishing, and associated indirect expenses.

## Emergency Services Act

### ***8589.12. Determination of need by Department of General Services; release of apparatus or equipment***

If a state agency, including the office, proposes to make firefighting apparatus or equipment which is currently owned and operated by the state available to the office for use under this article, the Department of General Services shall determine whether there is any immediate need by any state agency for the apparatus or equipment. If there is no immediate need, the Department of General Services shall release the apparatus or equipment to the office. If the office acquires firefighting apparatus or equipment from another state agency, the office shall pay the fair market value of the apparatus or equipment, as determined by the Department of General Services, unless the agency agrees to a lesser payment.

### ***8589.13. Contract with local agency serving rural area***

(a) The office may contract with a local agency which serves a rural area for the resale of new or used firefighting apparatus and equipment.

(b) If the contract provides for the local agency to pay the resale price in more than one installment, the local agency shall pay interest at a rate specified in the contract, which shall not exceed 1 percent less than the rate earned by the Pooled Money Investment Board. The term of a contract for resale shall not exceed five years.

(c) If the contract provides for the local agency to obtain another loan from another source, the office may insure the other loan.

### ***8589.14. Information system for identifying available apparatus or equipment***

The office shall operate an information system which is capable of identifying firefighting apparatus and equipment which is available for acquisition, and local agencies which are interested in acquiring apparatus and equipment.

### ***8589.15. Contract with Prison Industry Authority***

The office may contract with the Prison Industry Authority to perform any of the responsibilities or services required or authorized by this article.

### ***8589.16. State assistance for Fire Equipment Account***

There is hereby created in the General Fund the State Assistance for Fire Equipment Account, which, notwithstanding Section 13340, is continuously appropriated to the office for the purposes of Sections

## Emergency Services Act

8589.11 and 8589.13. All proceeds from the resale of firefighting apparatus and equipment shall be paid to the account. The office shall manage the account so that it is self-sustaining by the 1992-93 fiscal year.

### ***8589.17. Availability of apparatus and equipment to other local agencies***

Every contract with a local agency for the resale of firefighting apparatus and equipment shall specify that the local agency shall make the apparatus or equipment available to other local agencies in the same county as part of a mutual aid agreement. The apparatus or equipment shall be available for mutual aid responses for the length of the term of the contract with the office.

### ***8589.18. Default by local agency***

If a local agency defaults on a contract for the resale of firefighting apparatus and equipment, the office may either renegotiate the contract or take possession of the apparatus or equipment for subsequent resale to another local agency.

### ***8589.19. Adoption of rules and regulations***

(a) After consultation with the Office of Emergency Services Fire Advisory Committee, the director shall adopt rules and regulations governing the operation of the programs created by this article pursuant to the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3.

b) The rules and regulations adopted pursuant to subdivision (a) shall include, but not be limited to, all of the following:

- (1) The specific types of firefighting apparatus and equipment which may be acquired, rehabilitated, and resold.
- (2) The amount and terms of resale contracts.
- (3) The time, format, and manner in which local agencies may apply for resale contracts.
- (4) Priorities for assisting local agencies which shall give preference to local agencies which meet all of the following:
  - (A) Demonstrated need for primary response firefighting apparatus and equipment.
  - (B) Will be adequately able to operate and maintain the

## Emergency Services Act

firefighting apparatus and equipment.

(C) Have already used other means of financing the firefighting apparatus and equipment.

### ***8589.20. Interagency cooperation***

All state agencies, boards, and commissions shall cooperate with the office in implementing the programs created by this article.

### ***8589.21. Responsibility of director for programs***

The director shall be responsible for the programs created by this article which, except as provided by Sections 8589.12 and 8589.15, shall not be subject to the requirements of the State Equipment Council or the Office of Fleet Administration of the Department of General Services.

### ***8589.22. Report to Legislature***

The director shall report to the Legislature every two years, commencing January 1, 1990, regarding the status of the programs created by this article.

## Article 5.7. – Firefighting Thermal Imaging Equipment Act of 2001

### ***8590. Citation of Article***

This article shall be known and may be cited as the Firefighting Thermal Imaging Equipment Act of 2001.

### ***8590.1. Definitions***

As used in this article:

- (a) “Director” means the Director of the Office of Emergency Services.
- (b) “Local agency” means any city, county, city and county, fire district, special district, or joint powers agency that provides fire suppression services. “Local agency” also includes a fire company organized pursuant to Part 4 (commencing with Section 14825) of Division 12 of the Health and Safety Code.
- (c) “Office” means the Office of Emergency Services.
- (d) “State agency” means any state agency providing residential or institutional fire protection, including, but not limited to, the California Department of Forestry and Fire Protection.

## Emergency Services Act

### ***8590.2. Thermal Imaging Equipment Purchasing Program***

There is established in the office a thermal imaging equipment purchasing program under which the office shall acquire firefighting thermal imaging equipment on behalf of local and state agencies that are interested in obtaining this equipment.

### ***8590.3. Administration of the Purchasing Program***

In administering the purchasing program, the director shall do all of the following:

- (a) No later than 45 days after the effective date of this article, establish an advisory committee, which shall be comprised of representatives of organizations including, but not limited to, the California Fire Chiefs Association, the Fire Districts Association of California, the California Professional Firefighters, the CDF Firefighters, and the California State Firefighters Association, Inc. The committee shall meet no later than 30 days after all members are appointed.
- (b) Consult with the advisory committee regarding equipment specifications and other matters relating to the acquisition of thermal imaging equipment, and require the advisory committee to formulate specifications no later than 120 days after its initial meeting.
- (c) Notify all local and state agencies about the purchasing program, including the opportunity to purchase additional units at the contract price, and determine whether those agencies are interested in obtaining thermal imaging equipment.
- (d) Purchase thermal imaging equipment at the lowest possible price from a reliable vendor that meets specified requirements. It is the intent of the Legislature that the director enter into a multiyear contract for this purpose no later than 180 days after the committee formulates specifications pursuant to subdivision (b).
- (e) Include a provision in the vendor contract allowing any local or state agency to purchase additional units directly from the vendor at the contract price.
- (f) Any local agency that elects to participate in the thermal imaging equipment purchasing program shall pay one-half of the contract price for each piece of equipment purchased on its behalf by the state.

## Emergency Services Act

### ***8590.4. Funding and Distribution of Equipment***

- (a) The director shall seek funding for the program from the private sector, grant programs, and other appropriate sources.
- (b) The director, after consultation with the advisory commission, shall distribute equipment purchased under the program in order to maximize its utilization by firefighters based on consideration of the following factors:
- (1) Ability to share or move the equipment to fire locations.
  - (2) Availability of existing thermal imaging equipment.
  - (3) Geography.
  - (4) Need based on frequency of fires.

## Article 6 – Advisory Committees

### ***8591. Assignment of emergency activities to state agency***

Nothing herein shall operate to prevent the Governor or the Director of the Office of Emergency Services from formally recognizing committees or boards established by or with segments of the private sector, or public agencies or both the private sector and public agencies which control facilities, resources, or the provision of services essential to the mitigation of the effects of an emergency or recovery therefrom, or from assigning administrative authority or responsibility to such committees or boards or to members thereof with respect to the provision and effective utilization of such resources to meet needs resulting from an emergency.

## Article 6.5 – Accessibility to Emergency Services Information

### ***8593. Duty to improve communication with deaf and hearing-impaired persons during emergencies***

The Office of Emergency Services shall work with advocacy groups representing the deaf and hearing impaired, including, but not limited to, the California Association of the Deaf and the Coalition of Deaf Access Providers, California television broadcasters, city and county emergency services coordinators, and, as appropriate, the Federal Emergency Management Agency and the Federal Communications Commission, to improve communication with deaf and hearing-impaired persons during emergencies, including the use of open captioning by California television broadcasters when transmitting emergency information.

## Emergency Services Act

### ***8593.1. Feasibility of “Digital Emergency Broadcast System” network***

The Office of Emergency Services shall investigate the feasibility of, and the funding requirements for, establishing a “Digital Emergency Broadcast System” network, to be used by local and state government agencies for the provision of warnings and instructions in digital or printed form to California broadcast outlets for relay to the public both orally and visually, through television, and orally, through radio, during emergencies.

### ***8593.2. Toll-free 800 telephone hotline; TDD accessibility***

The Office of Emergency Services shall investigate the feasibility of establishing a toll-free 800 telephone hotline, including TDD (telecommunications device for the deaf) accessibility, which would be accessible to the public, including deaf, hearing impaired, and non-English speaking persons, for use during nonemergency and emergency periods to respond to inquiries about emergency preparedness and disaster status.

### ***8593.3. Report to Legislature***

The Office of Emergency Services shall prepare and submit to the Legislature, on or before December 31, 1991, a report which shall include the following:

- (a) A description of the office's activities undertaken pursuant to Section 8593, including the results of these activities, and the preparedness of each California television broadcaster to employ open captioning when transmitting emergency information.
- (b) The results of the investigations required by Sections 8593.1 and 8593.2.

## Article 7 – Other State Agencies

### ***8595. Assignment of emergency activities to state agency***

The Governor may assign to a state agency any activity concerned with the mitigation of the effects of an emergency of a nature related to the existing powers and duties of such agency, including interstate activities, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the state.

## Emergency Services Act

### ***8596. Assistance and cooperation of state agencies and employees; disposal of debris on private property***

(a) Each department, division, bureau, board, commission, officer, and employee of this state shall render all possible assistance to the Governor and to the Director of the Office of Emergency Services in carrying out the provisions of this chapter.

(b) In providing such assistance, state agencies shall cooperate to the fullest possible extent with each other and with political subdivisions, relief agencies, and the American National Red Cross, but nothing contained in this chapter shall be construed to limit or in any way affect the responsibilities of the American National Red Cross under the federal act approved January 5, 1905 (33 Stat. 599), as amended.

(c) State personnel, equipment, and facilities may be used to clear and dispose of debris on private property only after the Governor finds: (1) that such use is for a state purpose; (2) that such use is in the public interest, serving the general welfare of the state; and (3) that such personnel, equipment, and facilities are already in the emergency area.

### ***8597. Classes of state employees deemed peace officers during emergency***

Whenever a state of emergency is proclaimed to exist within any region or area, or whenever a state of war emergency exists, the following classes of state employees who are within the region or area proclaimed or who may be assigned to duty therein shall be peace officers and shall have the full powers and duties of those officers for all purposes as provided by Section 830.1 of the Penal Code, and shall perform those duties and exercise any powers which are appropriate or which may be directed by their superior officers:

(a) All peace officers of the Department of the California Highway Patrol.

(b) All deputies of the Department of Fish and Game who have been appointed to enforce the provisions of the Fish and Game Code pursuant to Section 851 of that code.

(c) The Director of Forestry and Fire Protection and the classes of the Department of Forestry and Fire Protection who are designated by the Director of Forestry and Fire Protection as having the powers of peace officers pursuant to Section 4156 of the Public Resources Code.



## Emergency Services Act

(d) Peace officers who are state employees within the provisions of Section 830.5 of the Penal Code.

### ***8598. Officers assisting in law enforcement during local emergency vested with powers of peace officers***

Whenever a local emergency exists within a region or area of the state and the Department of the California Highway Patrol or the Department of Corrections or the Department of the Youth Authority employing any peace officer within Section 830.5 of the Penal Code is requested by properly constituted local authorities to assist local law enforcement, the officers assigned to assist within the designated regions or areas shall have the full powers of peace officers within the meaning of Section 830.1 of the Penal Code and shall perform those duties and exercise those powers as are appropriate or as may be directed by their superior officers.

## Article 7.5 – Statewide Natural Disaster Volunteer Corps Program

### ***8599. Plan to utilize volunteer resources during state of emergency***

The Office of Emergency Services shall develop a plan for state and local governmental agencies to utilize volunteer resources during a state of emergency proclaimed by the Governor. The office shall consult with appropriate state and local governmental agencies and volunteer organizations in the development of this plan.

#### ***8599.1. Status report; final report***

The Office of Emergency Services shall provide the Assembly Committee on Earthquake Preparedness and Natural Disasters and the Senate Committee on Toxics and Public Safety Management with a status report on the development of the plan required by Section 8599 on or before July 15, 1991, and a final report with recommendations on what is required to implement the plan on or before October 31, 1991.

#### ***8599.2. Issues to be addressed by plan***

The plan required by Section 8599 shall address, at a minimum, all of the following issues:

- (a) A formal system for the utilization of volunteer resources by state and local governmental agencies during a proclaimed state of emergency.
- (b) A definition of volunteer resources.

## Emergency Services Act

- (c) The identification and listing of volunteer resources in California.
- (d) An education program for volunteer resources on the needs and use of volunteers by state and local governmental agencies during a proclaimed state of emergency.
- (e) An education program for state and local governmental agencies on the availability and utilization of volunteer resources during a proclaimed state of emergency.
- (f) The coordination of volunteer resources during a proclaimed state of emergency.
- (g) Definition and identification of volunteer skills and resources typically required by state and local governmental agencies during a proclaimed state of emergency.
- (h) A volunteer resources emergency management system for responding to needs of state and local governmental agencies during a proclaimed state of emergency.
- (i) A notification procedure of volunteer resources for participation in the plan.
- (j) Communication needs of volunteer resources responding during a proclaimed state of emergency.
- (k) Predisaster agreements for utilization of volunteer resources by state and local governments during a proclaimed state of emergency.

## Article 8 – Mutual Aid Regions

### ***8600. Division of state into mutual aid regions***

The Governor with the advice of the Emergency Council is hereby authorized and empowered to divide the state into mutual aid regions for the more effective application, administration, and coordination of mutual aid and other emergency-related activities.

## Article 9 – Operational Areas

### ***8605. Designation of counties as operational areas; use for coordination of emergency activities and as communications link***

Each county is designated as an operational area. In a state of war emergency each operational area shall serve as a link in the system of

## Emergency Services Act

communications and coordination between the state's emergency operating centers and the operating centers of the political subdivisions comprising the operational area.

The governing bodies of each county and of the political subdivisions in the county may organize and structure their operational area.

An operational area may be used by the county and the political subdivisions comprising the operational area for the coordination of emergency activities and to serve as a link in the communications system during a state of emergency or a local emergency.

### Article 9.5 – Disaster Preparedness

#### ***8607. Standardized emergency management system***

(a) By December 1, 1993, the Office of Emergency Services, in coordination with all interested state agencies with designated response roles in the state emergency plan and interested local emergency management agencies shall jointly establish by regulation a standardized emergency management system for use by all emergency response agencies. The public water systems identified in Section 8607.2 may review and comment on these regulations prior to adoption.

This system shall be applicable, but not limited to, those emergencies or disasters referenced in the state emergency plan. The standardized emergency management system shall include all of the following systems as a framework for responding to and managing emergencies and disasters involving multiple jurisdictions or multiple agency responses:

- (1) The Incident Command Systems adapted from the systems originally developed by the FIRESCOPE Program, including those currently in use by state agencies.
- (2) The multiagency coordination system as developed by the FIRESCOPE Program.
- (3) The mutual aid agreement, as defined in Section 8561, and related mutual aid systems such as those used in law enforcement, fire service, and coroners operations.
- (4) The operational area concept, as defined in Section 8559.

(b) Individual agencies' roles and responsibilities agreed upon and contained in existing laws or the state emergency plan are not superseded

## Emergency Services Act

by this article.

(c) By December 1, 1994, the Office of Emergency Services, in coordination with the State Fire Marshal's Office, the Department of the California Highway Patrol, the Commission on Peace Officer Standards and Training, the Emergency Medical Services Authority, and all other interested state agencies with designated response roles in the state emergency plan, shall jointly develop an approved course of instruction for use in training all emergency response personnel, consisting of the concepts and procedures associated with the standardized emergency management system described in subdivision (a).

(d) By December 1, 1996, all state agencies shall use the standardized emergency management system as adopted pursuant to subdivision (a), to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

(e) (1) By December 1, 1996, each local agency, in order to be eligible for any funding of response-related costs under disaster assistance programs, shall use the standardized emergency management system as adopted pursuant to subdivision (a) to coordinate multiple jurisdiction or multiple agency operations.

(2) Notwithstanding paragraph (1), local agencies shall be eligible for repair, renovation, or any other nonpersonnel costs resulting from an emergency.

(f) The office shall, in cooperation with involved state and local agencies, complete an after-action report within 120 days after each declared disaster. This report shall review public safety response and disaster recovery activities and shall be made available to all interested public safety and emergency management organizations.

### ***8607.1. Legislative intent***

(a) It is the intent of the Legislature that a statewide system for fire hydrants be adopted so that all firefighters can respond to emergencies calling for the use of water at any location in the state. Without this statewide standardized system, the lives of firefighters and those they serve could be put in serious jeopardy in a mutual aid fire response effort stretching across city and county boundaries.

(b) By January 1, 1994, the State Fire Marshal shall establish a statewide uniform color coding of fire hydrants. In determining the color coding

## Emergency Services Act

of fire hydrants, the State Fire Marshal shall consider the national system of coding developed by the National Fire Protection Association as Standard 291 in Chapter 2 on Fire Flow Testing and Marking of Hydrants. The uniform color coding shall not preempt local agencies from adding additional markings.

(c) Compliance with the uniform color coding requirements of subdivision (b) shall be undertaken by each agency that currently maintains fire hydrants throughout the state as part of its ongoing maintenance program for its fire hydrants. Alternatively, an agency may comply with the uniform color coding requirements by installing one or more reflector buttons in a mid-street location directly adjacent to the fire hydrant in the appropriate color that would otherwise be required for the hydrant and a curb marking as near to the hydrant as practicable in that same color.

(d) By July 1, 1994, the State Fire Marshal shall develop and adopt regulations establishing statewide uniform fire hydrant coupling sizes. The regulations adopted pursuant to this section shall include provisions that permit the use of an adapter mounted on the hydrant as a means of achieving uniformity. In determining uniform fire hydrant coupling sizes, the State Fire Marshal shall consider any system developed by the National Fire Protection Association, the National Fire Academy, or the Federal Emergency Management Agency.

(e) By December 1, 1996, each local agency, city, county, city and county, or special district in order to be eligible for any funding of mutual aid fire response related costs under disaster assistance programs, shall comply with regulations adopted pursuant to this section. Compliance may be met if at least one coupling on the hydrant is of the uniform size.

(f) Subdivision (d) shall not be applicable to the City and County of San Francisco due to the existing water system. 8607.2.

### ***8607.2 Plans***

(a) All public water systems, as defined in subdivision (f) of Section 116275 of the Health and Safety Code, with 10,000 or more service connections shall review and revise their disaster preparedness plans in conjunction with related agencies, including, but not limited to, local fire departments and the office to ensure that the plans are sufficient to address possible disaster scenarios.

## Emergency Services Act

These plans should examine and review pumping station and distribution facility operations during an emergency, water pressure at both pumping stations and hydrants, and whether there is sufficient water reserve levels and alternative emergency power, including, but not limited to, onsite backup generators and portable generators.

(b) All public water systems, as defined in subdivision (f) of Section 116275 of the Health and Safety Code, with 10,000 or more service connections following a declared state of emergency shall furnish an assessment of their emergency response and recommendations to the Legislature within six months after each disaster, as well as implementing the recommendations in a timely manner.

(c) By December 1, 1996, the Office of Emergency Services shall establish appropriate and insofar as practical, emergency response and recovery plans, including mutual aid plans, in coordination with public water systems, as defined in subdivision (f) of Section 116275 of the Health and Safety Code, with 10,000 or more service connections.

### Article 10 – Local Disaster Councils

#### ***8610. Creation by ordinance; plan development***

Counties, cities and counties, and cities may create disaster councils by ordinance. A disaster council shall develop plans for meeting any condition constituting a local emergency or state of emergency, including, but not limited to, earthquakes, natural or manmade disasters specific to that jurisdiction, or state of war emergency; such plans shall provide for the effective mobilization of all of the resources within the political subdivision, both public and private. The disaster council shall supply a copy of any plans developed pursuant to this section to the Office of Emergency Services. The governing body of a county, city and county, or city may, in the ordinance or by resolution adopted pursuant to the ordinance, provide for the organization, powers and duties, divisions, services, and staff of the emergency organization. The governing body of a county, city and county, or city may, by ordinance or resolution, authorize public officers, employees, and registered volunteers to command the aid of citizens when necessary in the execution of their duties during a state of war emergency, a state of emergency, or a local emergency.

Counties, cities and counties, and cities may enact ordinances and resolutions and either establish rules and regulations or authorize disaster

## Emergency Services Act

councils to recommend to the director of the local emergency organization rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis and, to this end, may enter into agreements.

### ***8610.3. Legislative findings and declarations***

The Legislature hereby finds and declares as follows:

- (a) The Office of Emergency Services, in consultation with the State Department of Health Services and affected counties, investigated the consequences of a serious nuclear powerplant accident for each of the nuclear powerplants in California with a generating capacity of 50 megawatts or more.
- (b) This study culminated in the establishment of emergency planning zones for nuclear powerplant emergency preparedness.
- (c) All state and local government nuclear powerplant emergency response plans have been revised to reflect the information provided in the study.

### ***8610.5. Reimbursement of state and local costs (operative until July 1, 2009)***

- (a) For purposes of this section, the following definitions shall apply:
  - (1) "Department" means the State Department of Health Services.
  - (2) "Office" means the Office of Emergency Services.
- (b)
  - (1) State and local costs to carry out activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code that are not reimbursed by federal funds shall be borne by utilities operating nuclear powerplants with a generating capacity of 50 megawatts or more.
  - (2) The Public Utilities Commission shall develop and transmit to the office an equitable method of assessing the utilities operating the powerplants for their reasonable pro rata share of state agency costs specified in paragraph (1).
  - (3) Each local government involved shall submit a statement of its costs specified in paragraph (1), as required, to the office.

## Emergency Services Act

(4) Upon each utility's notification by the office, from time to time, of the amount of its share of the actual or anticipated state and local agency costs, the utility shall pay this amount to the Controller for deposit in the Nuclear Planning Assessment Special Account, which is continued in existence, for allocation by the Controller, upon appropriation by the Legislature, to carry out activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The Controller shall pay from this account the state and local costs relative to carrying out this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, upon certification thereof by the office.

(5) Upon appropriation by the Legislature, the Controller may disburse up to 80 percent of a fiscal year allocation from the Nuclear Planning Assessment Special Account, in advance, for anticipated local expenses, as certified by the office pursuant to paragraph (4). The office shall review program expenditures related to the balance of funds in the account and the Controller shall pay the portion, or the entire balance, of the account, based upon those approved expenditures.

- (c) (1) The total annual disbursement of state costs from the utilities operating the nuclear powerplants within the state for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, shall not exceed the lesser of the actual costs or the maximum funding levels previously established by Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, as that chapter read on January 1, 1998, subject to subdivisions (e) and (f), to be shared equally among the utilities.

(2) Of the initial annual amount of one million three hundred forty thousand dollars (\$1,340,000) for the 1999-2000 fiscal year, the sum of eight hundred three thousand dollars (\$803,000) shall be for support of the office for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code, and the sum of five hundred thirty-seven thousand dollars (\$537,000) shall be for support of the department for activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code.



## Emergency Services Act

- (d) (1) The total annual disbursement for each fiscal year, commencing July 1, 1999, of local costs from the utilities shall not exceed the lesser of the actual costs or the maximum funding levels, on a site basis, previously established on a per reactor basis by Section 1 of Chapter 1607 of the Statutes of 1988, in support of activities pursuant to this section and Chapter 4 (commencing with Section 114650) of Part 9 of Division 104 of the Health and Safety Code. The maximum initial annual amount available for disbursement for local costs, subject to subdivisions (e) and (f), shall be eight hundred fifty-one thousand dollars (\$851,000) for the Diablo Canyon site and one million seventy-three thousand dollars (\$1,073,000) for the San Onofre site.
- (2) The amounts paid by the utilities under this section shall be allowed for ratemaking purposes by the Public Utilities Commission.
- (e) The amounts available for disbursement for state and local costs as specified in this section shall be adjusted and compounded each fiscal year by the percentage increase in the California Consumer Price Index of the previous calendar year.
- (f) Through the date specified in subdivision (g), the amounts available for disbursement for state and local costs as specified in this section shall be cumulative biennially. Any unexpended funds from a year when the state and local governments conduct a full participation exercise, as defined in Section 350.2 of Title 44 of the Code of Federal Regulations, that is not evaluated by the Federal Emergency Management Agency, shall be carried over to the year when the state and local governments conduct such an exercise that is evaluated by the Federal Emergency Management Agency.
- (g) This section shall become inoperative on July 1, 2009, and, as of January 1, 2010, is repealed, unless a later enacted statute, which becomes effective on or before July 1, 2009, deletes or extends the dates on which it becomes inoperative and is repealed.
- (h) Upon inoperation of this section, any amounts remaining in the special account shall be refunded pro rata to the utilities contributing thereto.

### ***8611. Test exercises; assistance by private citizens***

Counties, cities and counties, and cities may provide for the calling of test exercises, either singularly or jointly, whenever, in the opinion of

## Emergency Services Act

such political subdivisions, such test exercises are needed; provided, however, that with respect to any such test exercise no one shall have the power to command the assistance of any private citizen, and the failure of a citizen to obey any order or regulation pertaining to a test exercise shall not constitute a violation of any law.

### ***8612. Certification of disaster councils***

Any disaster council which both agrees to follow the rules and regulations established by the Emergency Council pursuant to the provisions of Section 8580 and substantially complies with such rules and regulations shall be certified by the Emergency Council. Upon such certification, and not before, the disaster council becomes an accredited disaster council.

### ***8613. Revocation of certification for noncompliance with rules and regulations***

Should an accredited disaster council fail to comply with the rules and regulations of the Emergency Council in any material degree, the Emergency Council may revoke its certification and, upon the act of revocation, the disaster council shall lose its accredited status. It may again become an accredited disaster council in the same manner as is provided for a disaster council which has not previously been accredited.

### ***8614. Political subdivisions and local employees to render assistance in carrying out provisions of chapter; ordinances to continue in effect***

(a) Each department, division, bureau, board, commission, officer, and employee of each political subdivision of the state shall render all possible assistance to the Governor and to the Director of the Office of Emergency Services in carrying out the provisions of this chapter.

(b) The emergency power which may be vested in a local public official during a state of war emergency or a state of emergency shall be subject or subordinate to the powers herein vested in the Governor when exercised by the Governor.

(c) Ordinances, orders, and regulations of a political subdivision shall continue in effect during a state of war emergency or a state of emergency except as to any provision suspended or superseded by an order or regulation issued by the Governor.

## Emergency Services Act

### Article 11 – Mutual Aid

#### ***8615. Legislative purpose***

It is the purpose of the Legislature in enacting this article to facilitate the rendering of aid to areas stricken by an emergency and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers. Emergency plans duly adopted and approved as provided by the Governor shall be effective as satisfying the requirement for mutual aid operational plans provided in the Master Mutual Aid Agreement.

#### ***8616. Outside aid***

During any state of war emergency or state of emergency when the need arises for outside aid in any county, city and county, or city, such aid shall be rendered in accordance with approved emergency plans.

It shall be the duty of public officials to cooperate to the fullest possible extent in carrying out such plans.

#### ***8617. Mutual aid powers in nonemergency periods***

In periods other than a state of war emergency, a state of emergency, or a local emergency, state agencies and political subdivisions have authority to exercise mutual aid powers in accordance with the Master Mutual Aid Agreement and local ordinances, resolutions, agreements, or plans therefor.

#### ***8618. Local officials to remain in charge at incident requiring mutual aid***

Unless otherwise expressly provided by the parties, the responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident, including the direction of personnel and equipment provided him through mutual aid.

#### ***8619. Reciprocal aid agreement with other states or federal government; consultation with local officials***

The Governor may on behalf of this state enter into reciprocal aid agreements or compacts, mutual aid plans, or other interstate arrangements for the protection of life and property with other states and the federal government, either on a statewide basis or a political subdivision basis. Prior to committing the personnel, equipment, or facilities of any political subdivision of this state, the Governor shall

## Emergency Services Act

consult with the chief executive or governing body of such political subdivision. Such mutual aid arrangements may include the furnishing or exchange, on such terms and conditions as are deemed necessary, of supplies, equipment, facilities, personnel, and services.

### Article 12 – State of War Emergency

#### ***8620. Powers of Governor***

During a state of war emergency the Governor shall have complete authority over all agencies of the state government and the right to exercise within the area or regions designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter. In exercise thereof he shall promulgate, issue, and enforce such orders and regulations as he deems necessary for the protection of life and property, in accordance with the provisions of Section 8567.

#### ***8621. Compliance with orders and regulations by public officers and employees***

During a state of war emergency every department, commission, agency, board, officer, and employee of the state government and of every political subdivision, county, city and county, or city, public district, and public corporation of or in the state is required to comply with the lawful orders and regulations of the Governor made or given within the limits of his authority as provided for herein.

Every such officer or employee who refuses or willfully neglects to obey any such order or regulation of the Governor, or who willfully resists, delays, or obstructs the Governor in the discharge of any of his functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or willfully neglect to obey any such order or regulation, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations, and duties of his office or position for the remainder of the period of the state of war emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations, and duties of the office or position for the duration of such suspension.

#### ***8622. Exercise of powers outside territorial limits of state***

During a state of war emergency, the Governor, any state agency, or any agency acting under the authority of this chapter may exercise outside

## Emergency Services Act

the territorial limits of this state any of the powers conferred upon him or it by or pursuant to this chapter.

### ***8623. Rendition of emergency aid by professionals or other skilled persons licensed or certificated by other states***

During a state of war emergency, any person holding a license, certificate, or other permit issued by any state evidencing the meeting of the qualifications of such state for professional, mechanical, or other skills, may render aid involving such skill to meet the emergency as fully as if such license, certificate, or other permit had been issued in this state if a substantially similar license, certificate, or other permit is issued in this state to applicants possessing the same professional, mechanical, or other skills.

### ***8624. Emergency Council meetings; termination of Governor's emergency powers***

(a) Whenever it appears that a state of war emergency will continue for more than seven days, the Governor shall call a meeting of the Emergency Council not later than the seventh day.

(b) All of the powers granted the Governor by this chapter with respect to a state of war emergency shall terminate when:

- (1) The state of war emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end; or
- (2) The Governor has failed to call a meeting of the Emergency Council within the period prescribed in subdivision (a) of this section; or
- (3) The Governor has not within 30 days after the beginning of such state of war emergency issued a call for a special session of the Legislature for the purpose of legislating on subjects relating to such state of war emergency, except when the Legislature is already convened with power to legislate on such subjects.

## Article 13 – State of Emergency

### ***8625. Proclamation by Governor***

The Governor is hereby empowered to proclaim a state of emergency in an area affected or likely to be affected thereby when:

## Emergency Services Act

- (a) He finds that circumstances described in subdivision (b) of Section 8558 exist; and either
- (b) He is requested to do so (1) in the case of a city by the mayor or chief executive, (2) in the case of a county by the chairman of the board of supervisors or the county administrative officer; or
- (c) He finds that local authority is inadequate to cope with the emergency.

### ***8626. Proclamation to be in writing; effective date; filing; publicity and notice***

Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible such proclamation shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given such proclamation.

### ***8627. Powers of Governor***

During a state of emergency the Governor shall, to the extent he deems necessary, have complete authority over all agencies of the state government and the right to exercise within the area designated all police power vested in the state by the Constitution and laws of the State of California in order to effectuate the purposes of this chapter. In exercise thereof, he shall promulgate, issue, and enforce such orders and regulations as he deems necessary, in accordance with the provisions of Section 8567.

### ***8627.5. Suspension of nonsafety-related restriction on delivery of emergency necessities during state of emergency***

- (a) The Governor may make, amend, or rescind orders and regulations during a state of emergency that temporarily suspend any state, county, city, or special district statute, ordinance, regulation, or rule imposing nonsafety related restrictions on the delivery of food products, pharmaceuticals, and other emergency necessities distributed through retail or institutional channels, including, but not limited to, hospitals, jails, restaurants, and schools. The Governor shall cause widespread publicity and notice to be given to all of these orders and regulations, or amendments and rescissions thereof.
- (b) The orders and regulations shall be in writing and take effect immediately on issuance. The temporary suspension of any statute,

## Emergency Services Act

ordinance, regulation, or rule shall remain in effect until the order or regulation is rescinded by the Governor, the Governor proclaims the termination of the state of emergency, or for a period of 60 days, whichever occurs first.

### ***8628. Utilization and employment of state personnel, equipment and facilities; supplemental services; expenditures***

During a state of emergency the Governor may direct all agencies of the state government to utilize and employ state personnel, equipment, and facilities for the performance of any and all activities designed to prevent or alleviate actual and threatened damage due to the emergency; and he may direct such agencies to provide supplemental services and equipment to political subdivisions to restore any services which must be restored in order to provide for the health and safety of the citizens of the affected area. Any agency so directed by the Governor may expend any of the moneys which have been appropriated to it in performing such activities, irrespective of the particular purpose for which the money was appropriated.

### ***8629. Termination of state of emergency; termination of emergency powers***

The Governor shall proclaim the termination of a state of emergency at the earliest possible date that conditions warrant. All of the powers granted the Governor by this chapter with respect to a state of emergency shall terminate when the state of emergency has been terminated by proclamation of the Governor or by concurrent resolution of the Legislature declaring it at an end.

## Article 14 – Local Emergency

### ***8630. Proclamation by local governing body; duration; review***

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) (1) The governing body shall review, at its regularly scheduled meetings until the local emergency is terminated, the need for

## Emergency Services Act

continuing the local emergency. However, in no event shall a review take place more than 21 days after the previous review.

(2) Notwithstanding paragraph (1), if the governing body meets weekly, it shall review the need for continuing the local emergency at least every 14 days, until the local emergency is terminated.

(d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

### ***8631. Provision of mutual aid by political subdivisions***

In periods of local emergency, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefor.

### ***8632. Provision of mutual aid by state agencies***

State agencies may provide mutual aid, including personnel, equipment, and other available resources, to assist political subdivisions during a local emergency or in accordance with mutual aid agreements or at the direction of the Governor.

### ***8633. Costs incurred in executing mutual aid agreements as charge against state***

In the absence of a state of war emergency or state of emergency, the cost of extraordinary services incurred by political subdivisions in executing mutual aid agreements shall constitute a legal charge against the state when approved by the Governor in accordance with orders and regulations promulgated as prescribed in Section 8567.

### ***8634. Promulgation of orders and regulations; curfew***

During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

The authorization granted by this chapter to impose a curfew shall not be construed as restricting in any manner the existing authority of counties and cities and any city and county to impose pursuant to the police power a curfew for any other lawful purpose.



## Emergency Services Act

### Article 15 – Preservation of Local Government

#### ***8635. Need for local governments to preserve law and order and to continue to restore local services in case of enemy attack***

The Legislature recognizes that if this state or nation were attacked by an enemy of the United States, many areas in California might be subjected to the effects of an enemy attack and some or all of these areas could be severely damaged. During such attacks and in the reconstruction period following such attacks, law and order must be preserved and so far as possible government services must be continued or restored. This can best be done by civil government. To help to preserve law and order and to continue or restore local services, it is essential that the local units of government continue to function.

In enacting this article the Legislature finds and declares that the preservation of local government in the event of enemy attack or in the event of a state of emergency or a local emergency is a matter of statewide concern. The interdependence of political subdivisions requires that, for their mutual preservation and for the protection of all the citizens of the State of California, all political subdivisions have the power to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of political subdivisions will be assured. Should any part of this article be in conflict with or inconsistent with any other part of this chapter, the provisions of this article shall control.

Nothing in this article shall prevent a city or county existing under a charter from amending said charter to provide for the preservation and continuation of its government in the event of a state of war emergency.

#### ***8636. 'Unavailable' officer***

As used in this article, "unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the governing body of the political subdivision or any remaining available members of said body (including standby officers who are serving on such governing body).

#### ***8637. Succession of department heads***

Each political subdivision may provide for the succession of officers who

## Emergency Services Act

head departments having duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

### ***8638. Standby officers***

To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency or a state of emergency or a local emergency the governing body thereof shall have the power to appoint the following standby officers:

- (a) Three for each member of the governing body.
- (b) Three for the chief executive, if he is not a member of the governing body.

In case a standby office becomes vacant because of removal, death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office. Standby officers shall be designated Nos. 1, 2, and 3 as the case may be.

### ***8639. Investigation of qualifications of standby officers***

The qualifications of each standby officer should be carefully investigated, and the governing body may request the Director of the Office of Emergency Services to aid in the investigation of any prospective appointee. No examination or investigation shall be made without the consent of the prospective appointee.

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

### ***8640. Oath of office and tenure of standby officers***

Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed as standby officers shall serve in their posts as standby officers at the pleasure of the governing body appointing them and may be removed and replaced at any time with or without cause.

### ***8641. Duties of standby officers***

Each standby officer shall have the following duties:

## Emergency Services Act

(a) To inform himself or herself of the duties of the office for which the officer stands by. Officers and employees of the political subdivision shall assist the standby officer and each political subdivision shall provide each standby officer with a copy of this article.

(b) To keep informed of the business and affairs of the political subdivision to the extent necessary to enable the standby officer to fill his or her post competently. For this purpose the political subdivision may arrange information meetings and require attendance.

(c) To immediately report himself or herself ready for duty in the event of a state of war emergency or in the event of a state of emergency or a local emergency at the place and in the method previously designated by the political subdivision.

(d) To fill the post for which he or she has been appointed when the regular officer is unavailable during a state of war emergency, a state of emergency or a local emergency. Standby officers Nos. 2 and 3 shall substitute in succession for standby officer No. 1 in the same way that standby officer No. 1 is substituted in place of the regular officer. The standby officer shall serve until the regular officer becomes available or until the election or appointment of a new regular officer.

### ***8642. Meeting of local governing body when state of emergency exists***

Whenever a state of war emergency a state of emergency or a local emergency exists the governing body of the political subdivision shall meet as soon as possible. The place of meeting need not be within the political subdivision. The meeting may be called by the chief executive of the political subdivision or by a majority of the members of the governing body. Should there be only one member of the governing body, he may call and hold said meeting and perform acts necessary to reconstitute the governing body.

### ***8643. Duties of local governing body during state of emergency***

During a state of war emergency a state of emergency or a local emergency the governing body shall:

(a) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.

## Emergency Services Act

- (b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one member of the governing body or only one standby officer be available, that one shall have power to reconstitute the governing body.
- (c) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.
- (d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

### ***8644. Appointment of temporary officers***

Should all members of the governing body, including all standby members, be unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed as follows:

- (a) By the chairman of the board of supervisors of the county in which the political subdivision is located, and if he is unavailable,
- (b) By the chairman of the board of supervisors of any other county within 150 miles of the political subdivision, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,
- (c) By the mayor of any city within 150 miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated.

## Article 16 – General Fiscal Problems

### ***8645. Expenditures from funds legally available***

In addition to any appropriation made to support activities contemplated by this chapter, the Governor is empowered to make expenditures from any fund legally available in order to deal with actual or threatened conditions of a state of war emergency, state of emergency, or local emergency.

### ***8646. Powers and duties of Governor***

In carrying out the provisions of this chapter, the Governor may:

## Emergency Services Act

- (a) Procure and maintain offices in such parts of the state as may be necessary or convenient;
- (b) Acquire property, real or personal, or any interest therein;
- (c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services, and the affording of such facilities as may be necessary and proper;
- (d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter.

### ***8647. Gift, grant, or loan of services, equipment or supplies by federal government or private party***

- (a) Whenever the federal government or any agency or officer thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of the mitigation of the effects of an emergency, the state, acting through the Governor, or such political subdivision, acting with the consent of the Governor and through its chief executive or governing body, may accept such offer.
- (b) Whenever any person, firm, or corporation shall offer to the state or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of the mitigation of the effects of an emergency, the state, acting through the Governor, or such political subdivision, acting through its chief executive or governing body, may accept such offer.
- (c) Upon acceptance, the Governor of the state or the chief executive or governing body of such political subdivision may authorize any officer of the state or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the state or such political subdivision, subject to the terms of the offer and subject to the rules and regulations, if any, of a federal agency making such offer.

### ***8648. Reimbursement of state agencies for expenditures in performance of emergency duties***

The Governor may reimburse any state agency for funds expended in the performance of any and all activities as set forth in Section 8628 in accordance with orders and regulations promulgated as prescribed in

## Emergency Services Act

Section 8567. Such reimbursement shall be subject to the provisions of Section 8649.

### ***8649. Loan of personnel or equipment to Office of Emergency Services; reimbursement for services***

Subject to the approval of the Department of Finance, any state agency may use its personnel, property, equipment, and appropriations for carrying out the purposes of this chapter, and in that connection may loan personnel to the Office of Emergency Services. The Department of Finance shall determine whether reimbursement shall be made to any state agency for expenditures heretofore or hereafter made or incurred for such purposes from any appropriation available for the Office of Emergency Services, except that as to any expenditure made or incurred by any state agency the funds of which are subject to constitutional restriction which would prohibit their use for such purposes, such reimbursement shall be provided and the original expenditure shall be considered a temporary loan to the General Fund of the state.

### ***8650. Crediting reimbursements to state agencies***

Any funds received by state agencies as reimbursement for services or supplies furnished under the authority of this chapter shall be deposited to the credit of the appropriation or appropriations from which the expenditures were made.

### ***8651. Procurement of surplus equipment from federal government***

The Director of the Office of Emergency Services may procure from the federal government or any of its agencies such surplus equipment, apparatus, supplies, and storage facilities therefor as may be necessary to accomplish the purposes of this chapter.

### ***8652. Claims for taking or damaging private property***

Before payment may be made by the state to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during a state of war emergency or state of emergency, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Government Code governing the presentation of claims against the state for the taking or damaging of private property for public use, which provisions shall govern the presentment, allowance, or

## Emergency Services Act

rejection of such claims and the conditions upon which suit may be brought against the state. Payment for such property or services shall be made from any funds appropriated by the state for such purpose.

### ***8653. Performance of services outside territorial limits of public agencies; claims for damage or destruction of equipment***

In the event that the Governor, during a state of war emergency or a state of emergency and in the exercise of the emergency powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city, or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of war emergency or a state of emergency in the event that any equipment owned, leased, or operated by any county, city and county, city, or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 8652. Such agency shall have no claim against the state for services of such personnel or for the rental, use, or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements.

### ***8654. Authority of Governor during emergency or major disaster***

(a) Whenever the Governor has proclaimed a state of emergency and the President has declared an emergency or a major disaster to exist in this state, the Governor may do any of the following:

- (1) Enter into purchases, leases, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make those units available to any political subdivision for that purpose.
- (2) Assist any political subdivision within which temporary housing for disaster victims is proposed to be located to acquire sites necessary for that temporary housing and to do all things required to prepare those sites to receive and utilize temporary housing units by advancing or lending any funds available to the Governor from any appropriation made by the Legislature or from

## Emergency Services Act

any other source, by transmitting any funds made available by any public or private agency, or by acting in cooperation with the political subdivision for the execution and performance of any project for temporary housing for disaster victims, and for those purposes to pledge the credit of the state on terms as the Governor declares necessary under the circumstances, having due regard for current financial obligations of the state.

(3) Under regulations as the Governor shall make, temporarily suspend or modify for not to exceed 60 days any public health, safety, zoning, or intrastate transportation law, ordinance, or regulation when by proclamation he or she declares such suspension or modification essential to provide temporary housing for disaster victims.

(b) Whenever, the President, at the request of the Governor, has declared a major disaster to exist in this state, the Governor may do any of the following:

(1) Upon his or her determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept any grant by the federal government to fund that financial assistance, subject to those terms and conditions as may be imposed upon the grant.

(2) Enter into an agreement with the federal government, or any officer or agency thereof, pledging the state to participate in the funding of any grant accepted pursuant to paragraph (1), in an amount not to exceed 25 percent thereof, and, if state funds are not otherwise available to the Governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.

(3) Notwithstanding any other provision of law, make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means of assistance, which shall not exceed ten thousand dollars (\$10,000) in the aggregate to an individual or family in any single major disaster declared by the President. This ten thousand dollar (\$10,000) limit shall be adjusted annually to reflect changes in the Consumer



## Emergency Services Act

Price Index for all Urban Consumers published by the Department of Labor in the same manner as the Federal Emergency Management Administration makes similar adjustments for purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

(4) Upon his or her determination that a local government will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government, for a loan, and receive and disburse the proceeds of that loan to the local government.

(5) Determine the amount needed by a local government to restore or resume its governmental functions, and certify that amount to the federal government. However, that amount shall not exceed 25 percent of the annual operating budget of the local government for the fiscal year in which the major disaster has occurred.

(6) Recommend to the federal government, after reviewing the matter, the cancellation of all or any part of a loan made pursuant to paragraph (5) when during the period of three full fiscal years immediately following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including disaster-related expenses incurred by the local government.

(c) The Governor shall make those regulations as are necessary in carrying out the purposes of paragraphs (1), (2), and (3) of subdivision (b), including, but not limited to: standards of eligibility for persons applying for benefits; procedures for application and administration; methods of investigation, processing, and approving applications; formation of local or statewide review boards to pass upon applications; and procedures for appeals.

(d) Any political subdivision is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements (including purchase of temporary housing units and payment of transportation charges) which are necessary to prepare or equip the sites to utilize the housing units.

(e) Any person who fraudulently makes any misstatement of fact in connection with an application for financial assistance under this section shall, upon conviction of each offense, be guilty of a misdemeanor

## Emergency Services Act

punishable by a fine of not more than five thousand dollars (\$5,000), or imprisonment for not more than one year, or both.

(f) The terms “major disaster,” “emergency,” and “temporary housing,” as used in this section, shall have the same meaning as those terms are defined or used in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, as amended by P.L. 100-707). It is the intent of the Legislature in enacting this section that it shall be liberally construed to effectuate the purposes of that federal act.

### ***8654.1. Northridge earthquake; financial assistance; federal funds***

(a) The Legislature finds and declares that financial assistance is essential to meet disaster-related necessary expenses of the state and local governments and the serious needs of individuals or families affected by the Northridge earthquake which occurred January 17, 1994. The Legislature further finds and declares that the federal government will advance to the state, and will authorize local entities to advance from specified federal funds made available to them, the nonfederal share of the costs of this financial assistance.

(b) In order to implement the advance of the nonfederal share from federal funds, in accordance with subdivision (a), the Director of Finance may enter into agreements for the acceptance of these advances, subject to the following:

- (1) Funds may be obtained directly from agencies of the federal government or from funds provided to local agencies by the federal government.
- (2) Advances may be accepted beginning in the 1994-95 fiscal year, and in no event later than the 1997-98 fiscal year.
- (3) The cumulative amount of advances accepted shall not exceed three hundred million dollars (\$300,000,000), unless additional amounts are authorized subject to the 30-day notification of the Joint Legislative Budget Committee under Section 28 of the 1994 Budget Act and any substantially similar provision of subsequent budget acts. The state shall accept as advances only so much as may be needed to pay the expenses incurred herein and as may be repaid, consistent with this section, in a short period of time, having due regard for the current financial obligations of the state.
- (4) Funds received by the state shall be deposited in the Special

## Emergency Services Act

Deposit Fund, subject to Article 2 (commencing with Section 16370) of Chapter 2 of Part 2 of Division 4, and may be expended, allocated, or transferred, upon order of the Department of Finance, only to meet the nonfederal share of disaster assistance costs incurred by state or local agencies as a result of the Northridge earthquake.

(5) Funds received under this section, together with interest at a rate agreed upon by the state and federal or local agencies involved, shall be repaid, upon order of the Director of Finance, to the federal government or advancing local agency, from the General Fund as soon as the state is able to do so, but in no event shall any advance remain outstanding after July 31, 1997. The state shall repay no less than one-third of the funds advanced in each of the 1995-96, 1996-97 and 1997-98 fiscal years.

### Article 17 – Privileges and Immunities

#### ***8655. Liability for claim based upon exercise of discretionary function or duty***

The state or its political subdivisions shall not be liable for any claim based upon the exercise or performance, or the failure to exercise or perform, a discretionary function or duty on the part of a state or local agency or any employee of the state or its political subdivisions in carrying out the provisions of this chapter.

#### ***8655.5. Liability of donor organization for operating community warning program or system***

(a) As used in this section, the following terms have the following meanings:

(1) “Community warning program” means any broadcast or notification program conducted by or at the direction of a public agency of a county of the ninth class that is intended to facilitate the agency's ability to warn residents of an actual or a threatened hazardous materials release or other emergency or natural disaster, and to coordinate the dissemination of information through various media and other warning devices of any nature, including, but not limited to, sirens, television, radio, 911 service, and public address systems.

(2) “Community warning system” means any combination of equipment, hardware, and software used in a community warning program by a county of the ninth class.

(3) “Donor organization” means a California nonprofit public

## Emergency Services Act

benefit corporation, and its officers, directors, employees, members, and contributors, that has donated in whole or in part a community warning system to a county of the ninth class.

(b) A donor organization is immune from suit and claims of liability for any injury arising out of the design, development, installation, maintenance, operation, and use of a community warning program or community warning system. This section shall be cumulative with, and does not affect in any way, any immunity from suit and claims of liability, privileges, defenses, or exemptions otherwise enjoyed by any person or entity. This immunity shall not apply to the management, operation, or maintenance of a community warning system by a donor organization after a donor organization donates a community warning system to a county of the ninth class, but shall apply to (1) the installation by a donor organization of alert receiver equipment and initiation box equipment, or (2) the operation or maintenance, or both, by a donor organization of stationary terminal equipment and related initiation box equipment, and alert receiver equipment, or both (1) and (2), for communications and operations, provided that the installation, operation, or maintenance, or all of these, by the donor organization is undertaken without compensation, and in accordance with the direction of, or under contract with, a county of the ninth class, whether before or after the donation.

(c) (1) Except as expressly provided in subdivision (b), this section does not negate or impair any duty or cause of action, whether civil or criminal, against a donor organization.

(2) Without limiting the generality of paragraph (1), this section is not intended to, nor shall it be construed to,

(A) relieve the manufacturer, designer, developer, installer, or supplier of equipment or software for a community warning system from any obligation or liability under any applicable statute or rule of law, or

(B) relieve any donor organization from any liability for the intentional wrongful use of a community warning system or any part thereof.

(3) Notwithstanding any other provision of this section or of any law relating to indemnity, joint and several liability, or several liability, no claim for contribution or indemnity arises against a donor organization based on the design, development, installation,

## Emergency Services Act

maintenance, operation, or use of a community warning system for which the donor organization is otherwise immune under the section.

(4) Notwithstanding any other provision of this section or of any law relating to indemnity, joint and several liability, or several liability, no person who is otherwise liable for damages shall be entitled to seek or assert any allocation of any percentage of fault or liability for the purpose of the reduction of damages for personal injury, property damage, or wrongful death, based on the participation of a donor organization or a county of the ninth class or its officials or employees in the design, development, installation, maintenance, operation, or use of a community warning system.

### ***8656. Extraterritorial performance of functions or duties; applicability of all privileges and immunities, exemptions, rights and benefits***

All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; all pension, relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees of any political subdivision when performing their respective functions within the territorial limits of their respective political subdivisions, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under this chapter.

### ***8657. Volunteers and persons impressed into service during an emergency; immunities from liability***

(a) Volunteers duly enrolled or registered with the Office of Emergency Services or any disaster council of any political subdivision, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, in carrying out, complying with, or attempting to comply with, any order or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work for their respective entities.

(b) No political subdivision or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or

## Emergency Services Act

registered volunteers thereof, or unregistered persons duly impressed into service during a state of war emergency, a state of emergency, or a local emergency, acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for emergency preparedness or relief activity, or by any unregistered person duly impressed into service during a state of war emergency, a state of emergency, or a local emergency and engaged in such service. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any federal or state statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

(c) The California Earthquake Prediction Evaluation Council, an advisory committee established pursuant to Section 8590 of this chapter, may advise the Governor of the existence of an earthquake or volcanic prediction having scientific validity. In its review, hearings, deliberations, or other validation procedures, members of the council, jointly and severally, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions engaged in similar work in their respective entities. Any person making a presentation to the council as part of the council's validation process, including presentation of a prediction for validation, shall be deemed a member of the council until the council has found the prediction to have or not have scientific validity.

### ***8658. Inmates of penal or correctional institution; removal to place of safety or release***

In any case in which an emergency endangering the lives of inmates of a state, county, or city penal or correctional institution has occurred or is imminent, the person in charge of the institution may remove the inmates from the institution. He shall, if possible, remove them to a safe and convenient place and there confine them as long as may be necessary to avoid the danger, or, if that is not possible, may release them. Such person shall not be held liable, civilly or criminally, for acts performed pursuant to this section.

### ***8659. Health care providers rendering emergency aid immune from liability; exception***

Any physician or surgeon (whether licensed in this state or any other state),

## Emergency Services Act

hospital, pharmacist, nurse, or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of such services, regardless of how or under what circumstances or by what cause such injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

### ***8660. Officers or employees rendering aid pursuant to interstate arrangement or compact; immunity from liability***

No other state or its officers or employees rendering aid in this state pursuant to any interstate arrangement, agreement, or compact shall be liable on account of any act or omission in good faith on the part of such state or its officers or employees while so engaged, or on account of the maintenance or use of any equipment or supplies in connection with an emergency.

## Article 18 – Political Activity

### ***8661. Organizations prohibited from political activity***

No organization established under the authority of this chapter shall participate in any form of political activity nor shall it be employed directly or indirectly for political purposes.

## Article 19 – Penalties and Severability

### ***8665. Persons violating or neglecting to obey lawful order or regulation; fine and imprisonment***

Any person who violates any of the provisions of this chapter or who refuses or willfully neglects to obey any lawful order or regulation promulgated or issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment for not to exceed six months or by both such fine and imprisonment.

### ***8666. Effect of invalidity of provisions of their application***

If any section, subdivision, subsection, sentence, clause, or phrase in this chapter, or the application thereof to any person or circumstances, is for any reason held invalid, the validity of the remainder of the chapter, or the application of such provision to other persons or circumstances, shall not be affected thereby. The Legislature hereby declares that it would have passed this chapter and each section, subdivision, subsection,

## Emergency Services Act

sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subdivisions, subsections, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be held invalid.

### Article 20 – Effect Upon Existing Matters

#### ***8668. Preexisting disaster council, civil defense and disaster plans, documents and agreements to remain in full force and effect***

(a) Any disaster council previously accredited, the State Civil Defense and Disaster Plan, the State Emergency Resources Management Plan, the State Fire Disaster Plan, the State Law Enforcement Mutual Aid Plan, all previously approved civil defense and disaster plans, all mutual aid agreements, and all other documents and agreements existing as of the effective date of this chapter, shall remain in full force and effect until revised, amended, or revoked in accordance with the provisions of this chapter.

(b) Nothing in this chapter shall be construed to diminish or remove any authority of any city, county, or city and county granted by Section 7 of Article XI of the California Constitution.



## **2001 Legislation that Changes the Emergency Services Act and the Natural Disaster Assistance Act**

(significant emergency management bills are in bold)

**AB 70 Wright** [Chapter 837, October 13, 2001]

Adds Article 5.7 (beginning with Section 8590) The Firefighting Thermal Imaging Act of 2001.

**AB 715 Wayne** [Chapter 748, October 12, 2001]

Amends 8574.9 and .10 to add the San Francisco Bay Conservation and Development Commission to the members of the State Interagency Oil Spill Committee.

**AB 1376 Wyman** [Chapter 462, October 3, 2001]

Adds Section 8587.5 for CalTrans.

**AB 1432 Corbett** [Chapter 822, October 13, 2001]

Amends NDAA and adds Section 8686.4(b) to allow the Director to implement cost-effective mitigation. This bill extends the sunset date of the Disaster Response-Emergency Operations Account until January 1, 2003. This bill extends the sunset date of the Disaster Response-Emergency Operations Account until January 1, 2003.

**SB 1191 Speier** [Chapter 745, October 12, 2001]

Repeals Section 8654.1( c).

**ABx2 60 Bogh** [Chapter 13, October 10, 2001]

Adds sections 8751.5 and 8751.6 related to the energy crisis; includes sunset for January 1, 2003.



# Natural Disaster Assistance Act

## Government Code

*Chapter 7.5 of Division 1 of Title 2*

### Article 1 – General Provisions and Definitions

#### *8680. Name and citation of act*

This chapter shall be known and may be cited as the Natural Disaster Assistance Act.

#### *8680.1. Definitions governing this chapter*

Unless the provision or context otherwise requires, the definitions contained in this article govern the construction of this chapter.

#### *8680.2. ‘Local agency’ defined*

“Local agency” means any city, city and county, county, county office of education, community college district, school district, or special district.

#### *8680.25. Public infrastructure; allocation of funds*

For the purpose of allocating funds pursuant to subdivision (b) of Section 8879.3, "public infrastructure" includes a private nonprofit facility operated by a private nonprofit organization, as defined in paragraph (9) of Section 5122 of Title 42 of the United States Code and applicable federal regulations, on a nondiscriminatory basis.

This section applies only with respect to disaster assistance associated with the January 17, 1994, Northridge earthquake. This section shall not be construed to apply to any private nonprofit organization to the extent that it is prohibited from receiving public funds pursuant to this chapter by Section 8 of Article IX, or Section 3 or 5 of Article XVI, of the California Constitution, or the Establishment Clauses of the First Amendment of the United States Constitution and Section 4 of Article I of the California Constitution.

## Natural Disaster Assistance Act

This section shall only become operative upon the approval of Chapter 15 of the Statutes of 1994, by a majority of the voters voting on the measure, as Proposition 1A, at the June 7, 1994, statewide primary election.

### ***8680.3. 'Natural disaster' defined***

"Natural disaster" means a fire, flood, storm, tidal wave, earthquake, or other similar public calamity resulting from natural causes or in the case of fire which the Governor determines presents a threat to public safety, by man-made causes.

### ***8680.4. 'Project' defined***

"Project" means the repair or restoration, or both, other than normal maintenance, or the replacement of, real property of a local agency used for essential governmental services, including, but not limited to, buildings, levees, flood control works, channels, irrigation works, city streets, county roads, bridges, and other public works, that are damaged or destroyed by a natural disaster.

"Project" also includes those activities and expenses allowed under subdivisions (a), (c), (d), and (e) of Section 8685. Except as provided in Section 8686.3, the completion of all or part of a project prior to application for funds pursuant to this chapter shall not disqualify the project or any part thereof.

### ***8680.5. 'Project application' defined***

"Project application" means the written application made by a local agency to the director for state financial assistance, which shall include:

- (a) in the case of a public facilities project, all damage to public real property which resulted from a natural disaster within the total jurisdiction of the local agency making application; or
- (b) in the case of a street and highway project, all damage to streets and highways which resulted from a natural disaster within the total jurisdiction of the local agency making application; or
- (c) other activities and expenses as allowed in Section 8685.

### ***8680.6. 'Street and highway project,' 'public facilities project' defined***

- (a) "Street and highway project" means a project for the repair or

## Natural Disaster Assistance Act

restoration, or both, or the replacement of streets, roads, or bridges of a city or county.

(b) "Public facilities project" means any project, other than a street and highway project. District roads and similar access facilities not eligible for gas tax apportionments shall be considered "public facilities."

### ***8680.7. 'Director' defined***

"Director" means the Director of the Office of Emergency Services.

### ***8680.8. 'State agency' defined***

"State agency" means the Department of Transportation, the Department of Water Resources, the Department of General Services, the Department of Health, the Department of Finance, or other state agency or office including, but not limited to, the University of California. The Department of Transportation's area of responsibility concerns streets, roads, bridge and mass transit repairs. The Department of Water Resources' area of responsibility concerns dams, levees, flood control works, channels, irrigation works, and other similar projects. The Department of General Services' area of responsibility concerns buildings, sewer, water systems, and district road and access facility construction, alteration, repair and improvement thereof, and all other projects. The director shall assign applications to the appropriate agencies for investigation.

### ***8680.9. 'Local emergency' defined***

"Local emergency" means a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected, in accordance with Section 8630.

## **Article 2 – Administration**

### ***8682. Powers of the Director***

The director shall administer this chapter. The director may delegate any power or duty vested in him under this chapter to a state agency or to any other officer or employee of the Office of Emergency Services.

### ***8682.2. Service and duties of State agencies***

To the extent that funds are allocated therefor, a state agency, when requested by the director, shall render services and perform duties within its area of responsibility when considered necessary to carry out the purposes of this chapter.

## Natural Disaster Assistance Act

### ***8682.6. Hold harmless agreement***

The project proposal executed between a local agency and the director pursuant to Section 8685.6 shall contain a provision under which the local agency agrees to hold the state harmless from damages due to the work for which funds are allocated.

### ***8682.8. Certification of claims; compliance audits***

When certified by the director, claims of local agencies for payment shall be presented to the Controller for payment out of funds made available therefor. The director may request the Controller to audit any claim to ensure that funds were expended in accordance with the requirements and purposes of this chapter.

### ***8682.9. Regulations; APA compliance***

The director shall adopt regulations to govern the administration of the disaster assistance program authorized by this chapter in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3). These regulations shall include specific project eligibility requirements, a procedure for local governments to request the implementation of programs under this chapter, and a method for evaluating these requests by the Office of Emergency Services. Interim regulations required by this section shall be adopted by December 1, 1989, and final regulations shall be adopted by October 1, 1990, provided that neither the interim nor final regulations shall be subject to review or approval of the Office of Administrative Law.

## **Article 3 – Allocations to State Agencies**

### ***8683. Director determines allocations***

Whenever funds are available for purposes of this chapter, the director shall make allocations therefrom in such amounts as he determines to be necessary to state agencies for expenditure for making the investigations, estimates, and reports required by this chapter. Such allocations may also be made to provide for preliminary investigations, estimates, reports, training of state agency personnel, or to reimburse the state agencies for expenditures made in anticipation of actual applications by local agencies.

Allocations may also be made for the purpose of making such investigations, estimates, and reports as may be necessary to enable local agencies to obtain federal aid for natural disaster relief purposes, regardless of whether or not such aid is available for projects that are

## Natural Disaster Assistance Act

eligible for state allocations pursuant to this chapter. The director may make allocations to any state agency or office from such funds, or other funds available therefor, in such amounts as are necessary to administer the provisions of this chapter.

### ***8684. Purpose and application of emergency funding***

(a) It is the intent of the Legislature:

(1) To provide the Governor with appropriate emergency powers in order to enable utilization of available emergency funding to provide guarantees for short-term, low-interest loans to be made by commercial lending institutions, in connection with relief provided for the northern California earthquake of October 17, 1989, and incidents subsequent thereto, and resulting therefrom, in the affected area during the period of earthquake relief, for the purpose of supplying interim financing to enable small businesses to continue operations pending receipt of federal disaster assistance.

(2) That the Governor should utilize this authority to prevent business insolvencies and loss of employment in the area affected by the northern California earthquake of October 17, 1989.

(b) In addition to the allocations authorized by Section 8683, the Governor may allocate funds made available for the purposes of this chapter, in connection with relief provided for the northern California earthquake of October 17, 1989, and incidents subsequent thereto, and resulting therefrom, in the affected area during the period of earthquake relief, to the Small Business Expansion Fund for use by the Office of Small Business, pursuant to Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 1 of the Corporations Code, to make allocations of funds to small business development corporations as follows:

(1) To provide guarantees for short-term low-interest loans to be made by commercial lending institutions for the purpose of providing interim financing to enable small businesses that have suffered actual physical damage or significant economic losses, as a result of the natural disaster for which funding under this section is made available, to continue or resume operations pending receipt of loans made or guaranteed by the federal Small Business Administration. The maximum amount of any loan guarantee funded under this section shall not exceed one hundred fifty thousand dollars (\$150,000). The loan guarantee shall not exceed

## Natural Disaster Assistance Act

95 percent of the loan amount, except that the loan guarantees may be for 100 percent of the loan amount if the applicant can demonstrate that access to business records pertinent to the loan application has been precluded by official action prohibiting necessary reentry into the affected business premises.

The term of the loan shall be determined by the financial institution providing the loan or shall be made payable on the date the proceeds of a loan made or guaranteed by the federal Small Business Administration with respect to the same damage or loss are made available to the borrower, whichever first occurs. The maximum term of the loan guarantee shall be not more than 12 months except as provided in this section. Loan guarantees for which the initial 12-month term has expired and for which an application for disaster assistance funding from the federal Small Business Administration is still pending may be extended until the time that the Small Business Administration has reached a final decision on the application.

Agricultural loans and loan guarantees for loans which have been denied funding by the federal Small Business Administration, may be extended by the financial institution providing the loan is for no longer than a maximum of seven years, if the business demonstrates the ability to repay the loan with an extended loan term, and a new credit analysis is provided. All loans extended under this provision shall be repaid in installments of principal and interest, and be fully amortized over the term of the loan. Nothing in this section shall preclude the lender from charging reasonable administrative fees in connection with the loan.

(2) To provide guarantees for short-term low-interest loans, as provided in Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 1 of the Corporations Code, for small farms, nurseries, and agriculture-related enterprises which have suffered actual physical damage or significant economic injury as a result of the northern California earthquake of October 17, 1989, or its subsequent aftershocks, but which are types of businesses that are ineligible for loans or loan guarantees of the federal Small Business Administration or Farmers Home Administration provided in connection with that disaster. Loan guarantees funded pursuant to this section shall not exceed one hundred fifty thousand dollars (\$150,000) and shall (A) be extended only to those individuals or



## Natural Disaster Assistance Act

entities which are unable to obtain credit elsewhere, (B) are intending to continue in the same business enterprise, (C) do not exceed 80 percent of production losses and 100 percent of structural losses, and (D) do not exceed 95 percent of the loan amount. The maximum term of the loan guarantee shall be not more than seven years. To the extent possible the terms of the loan guarantees, including requirements respecting the terms of the underlying loans, shall be consistent with loan-guarantee assistance provided to nonagricultural businesses in response to that natural disaster by the federal Small Business Administration.

(c) Allocations pursuant to this section shall, for purposes of all provisions of law, be deemed to be for extraordinary emergency or disaster response operation costs incurred by the Office of Small Business.

### ***8684.2. Governor's emergency powers***

(a) It is the intent of the Legislature:

(1) To provide the Governor with appropriate emergency powers in order to enable utilization of available emergency funding to provide guarantees for interim loans to be made by lending institutions, in connection with relief provided for those persons affected by natural disasters or a state of emergency in affected areas during periods of disaster relief assistance, for the purpose of supplying interim financing to enable small businesses to continue operations pending receipt of federal disaster assistance.

(2) That the Governor should utilize this authority to prevent business insolvencies and loss of employment in areas affected by these disasters.

(b) In addition to the allocations authorized by Section 8683 and the loan guarantee provisions of Section 14030.1 of the Corporations Code, the Governor may allocate funds made available for the purposes of this chapter, in connection with relief provided, in affected areas during the period of federal disaster relief, to the Small Business Expansion Fund for use by the Office of Small Business, pursuant to Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 1 of the Corporations Code, to provide guarantees for low-interest interim loans to be made by lending institutions for the purpose of providing interim financing to enable small businesses that have suffered actual physical damage or significant economic losses, as a result of the natural

## Natural Disaster Assistance Act

disaster or state of emergency for which funding under this section is made available, to continue or resume operations pending receipt of loans made or guaranteed by the federal Small Business Administration. The maximum amount of any loan guarantee funded under this paragraph shall not exceed two hundred thousand dollars (\$200,000). Each loan guarantee shall not exceed 95 percent of the loan amount, except that a loan guarantee may be for 100 percent of the loan amount if the applicant can demonstrate that access to business records pertinent to the loan application has been precluded by official action prohibiting necessary reentry into the affected business premises or that those business records pertinent to the loan application have been destroyed. The term of the loan shall be determined by the lending institution providing the loan or shall be made payable on the date the proceeds of a loan made or guaranteed by the federal Small Business Administration with respect to the same damage or loss are made available to the borrower, whichever event first occurs.

(c) Loan guarantees for which the initial 12-month term has expired and for which an application for disaster assistance funding from the federal Small Business Administration is still pending may be extended until the Small Business Administration has reached a final decision on the application. Applications for interim loans shall be processed in an expeditious manner. Wherever possible, lending institutions shall fund nonconstruction loans within 60 calendar days of application. Loan guarantees for loans that have been denied funding by the federal Small Business Administration, may be extended by the financial institution provided that the loan is for no longer than a maximum of seven years, if the business demonstrates the ability to repay the loan with an extended loan term, and a new credit analysis is provided. All loans extended under this provision shall be repaid in installments of principal and interest, and be fully amortized over the term of the loan. Nothing in this section shall preclude the lender from charging reasonable administrative fees in connection with the loan.

(d) Allocations pursuant to this section shall, for purposes of all provisions of law, be deemed to be for extraordinary emergency or disaster response operation costs, as provided in Section 8690.6, incurred by the Office of Small Business.

(e) The Trade and Commerce Agency may adopt regulations to implement the loan guarantee program authorized by this section. The agency may

## Natural Disaster Assistance Act

adopt these regulations as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Government Code, and for purposes of that chapter, including Section 11349.6, the adoption of the regulations shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health and safety, and general welfare. Notwithstanding subdivision (e) of Section 11346.1 of the Government Code, the regulations shall be repealed within 180 days after their effective date unless the agency complies with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Government Code, as provided in subdivision (e) of Section 11346.1 of the Government Code.

(f) Within 60 days of the conclusion of the period for guaranteeing loans under any small business disaster loan guarantee program conducted for a disaster as authorized by Section 8684.2 of the Government Code or Section 14075, the agency shall provide a report to the Legislature on loan guarantees approved and rejected by gender, ethnic group, type of business and location, and each participating loan institution.

### **Article 4 – Allocations to Local Agencies**

#### ***8685. Director to allocate funds; use of assistance funds***

From any moneys appropriated for that purpose, and subject to the conditions specified in this article, the Director of Emergency Services shall allocate funds to meet the cost of any one or more projects as defined in Section 8680.4. Applications by school districts shall be submitted to the Superintendent of Public Instruction for review and approval, in accordance with instructions or regulations developed by the Office of Emergency Services, prior to the allocation of funds by the Director of Emergency Services. Moneys appropriated for the purposes of this chapter may be used to provide financial assistance for the following local agency and state costs:

- (a) Local agency personnel costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the Governor, excluding the normal hourly wage costs of employees engaged in emergency work activities.
- (b) To repair, restore, reconstruct, or replace facilities belonging to local agencies damaged as a result of natural disasters as defined in Section 8680.3. Mitigation measures performed pursuant to subdivision (b) of Section 8686.4 shall qualify for funding pursuant to this chapter.

## Natural Disaster Assistance Act

- (c) Matching fund assistance for cost sharing required under federal public assistance programs.
- (d) Indirect administrative costs and any other assistance deemed necessary by the Director of Emergency Services.
- (e) Necessary and required site preparation costs for mobilehomes, travel trailers, and other manufactured housing units provided by the federal temporary housing assistance program operated by the Federal Emergency Management Agency.

### ***8685.2. Allocation to local agencies***

An allocation may be made to a local agency for a project when, within 10 days after the actual occurrence of a natural disaster, the local agency has proclaimed a local emergency and that proclamation is acceptable to the director or upon the order of the Governor when a state of emergency proclamation has been issued, and if the Legislature has appropriated money for allocation for purposes of this chapter.

### ***8685.4. Local agency application for financial assistance***

A local agency shall make application to the director for state financial assistance within 60 days after the date of the proclamation of a local emergency. The director may extend the time for this filing only under unusual circumstances. No financial aid shall be provided until a state agency, upon the request of the director, has first investigated and reported upon the proposed work, has estimated the cost of the work, and has filed its report with the director within 60 days from the date the local agency made application, unless the director extends the time because of unusual circumstances. The estimate of cost of the work may include expenditures made by the local agency for the work prior to the making of the estimate. If the reporting state agency fails to report its findings within the 60-day period, and time is not extended by the director, the director may complete the investigation and recover a proportionate amount allocated to the state agency for the balance of the investigation. "Unusual circumstances," as used above, are unavoidable delays that result from recurrence of a disaster, prolonged severe weather within a one-year period, or other conditions beyond the control of the applicant. Delays resulting from administrative procedures are not unusual circumstances which warrant extensions of time.

## Natural Disaster Assistance Act

### ***8686.4. Decision to replace or repair facilities***

(a) Whenever the local agency and the director determine for public facility projects that the general public and state interest will be better served by replacing a damaged or destroyed facility with a facility that will more adequately serve the present and future public needs than would be accomplished merely by repairing or restoring the damaged or destroyed facility, the director shall authorize the replacement, including, in the case of a public building, an increase in the square footage of the building replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency, and the excess cost shall be excluded in determining the amount to be allocated by the state. The state contribution shall not exceed the net cost of restoring each facility on the basis of the design of the facility as it existed immediately prior to the disaster in conformity with current codes, specifications, and standards.

(b) Notwithstanding subdivision (a), when the director determines there are mitigation measures that are cost-effective and that substantially reduce the risk of future damage, hardship, loss, or suffering in any area where a state of emergency has been proclaimed by the Governor, the director may authorize the implementation of those measures.

### ***8686.8. Exceptions to financial matching requirements***

If the director determines that a local agency is financially unable to meet the matching requirements set forth in Section 8686, or unable to provide funds for replacement of a facility pursuant to Section 8686.4, the director may, if that loan would not result in a violation of Section 18 of Article XVI of the California Constitution and out of any state money made available for purposes of this chapter, lend funds, for the completion of a project or projects. The local agency shall be required by the director to make its contribution by means of deferred payments. The deferred payments shall be made in the amounts and at the times provided by the agreement executed in connection with the application, but in any event providing full repayment within 10 years, and shall include a charge to be fixed by the director in an amount estimated by him or her to equal the revenue that the state would have derived by investing the total amounts loaned at the interest rate prevailing for legal state investments as of the date of the loan.

## Natural Disaster Assistance Act

### *8687. Sources of deferred payments*

Deferred payments made by a local agency pursuant to Section 8686.8 shall be made by the agency:

- (a) Out of the current revenues of the local agency.
- (b) If the current revenues of a city, county, or city and county, prove insufficient to enable the agency to meet the payments, the director may order the State Controller to withhold from the local agency funds that the local agency would be entitled from the state, including, as to street and highway projects, from the Motor Vehicle License Fee Fund to the extent necessary to meet the deficiency.

Those sums shall be credited to the funds in the State Treasury from which the loans were made.

### *8687.6. Limitation of cost sharing suspension for counties*

If the local agency, under Section 8687.4, is a county, the amount contributed by the county shall not be reduced to less than an amount of money equal to the amount allocated to the county for the fiscal year prior to the disaster proclamation pursuant to Section 2110.5 of the Streets and Highways Code.

## **Article 5 – Funds**

### *8690.25. Natural Disaster Assistance Fund*

The Natural Disaster Assistance Fund, referred to as “fund” in this article, is hereby created as a special fund in the State Treasury. This fund and its subsidiary account, the Earthquake Emergency Investigations Account, are continuously appropriated, without regard to fiscal years, for purposes of this act. This section shall become operative on July 1, 1997.

### *8690.45. Earthquake Emergency Investigations Account*

- (a) The Controller shall establish the following special account in the Natural Disaster Assistance Fund. The Earthquake Emergency Investigations Account, into which shall be paid all moneys appropriated by the Legislature to the Seismic Safety Commission for allocation for the purpose of enabling immediate investigation of damaging earthquakes. Allocations may be made by the commission to assist organizations that have incurred expenses in the course of conducting earthquake investigations.

## Natural Disaster Assistance Act

Allocations may be made to cover the following expenses:

- (1) Travel, meals, and lodging.
- (2) Publishing of findings.
- (3) Contractor assistance in the investigation.
- (4) Other expenses that the commission may allow as necessary to assist the investigation.

The unpredictable nature of earthquakes necessitates immediate access to funds for investigative purposes. For this reason, notwithstanding any other provision of law, funds in the Earthquake Emergency Investigations Account shall be available for expenditure without regard to fiscal years.

(b) This section shall become operative on July 1, 1997. 8690.5. Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with charges, and all other moneys deposited therein pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this chapter.

### ***8690.6. Disaster Response-Emergency Operations Account***

(a) There is hereby established in the Special Fund for Economic Uncertainties a Disaster Response-Emergency Operations Account. Notwithstanding Section 13340, moneys in the account are continuously appropriated, subject to the limitations specified in subdivisions (c) and (d), without regard to fiscal years, for allocation by the Director of Finance to state agencies for disaster response operation costs incurred by state agencies as a result of a state of emergency proclamation by the Governor. These allocations may be for activities that occur within 365 days after a proclamation of emergency by the Governor, as authorized pursuant to subdivision (c), or for activities that occur after the 365th day after a proclamation of emergency by the Governor, as authorized pursuant to subdivision (d).

(b) It is the intent of the Legislature that the Disaster Response-Emergency Operations Account have an unencumbered balance of one million dollars (\$1,000,000) at the beginning of each fiscal year. In the event that this account requires additional moneys to meet claims against the account, the Director of Finance may transfer moneys from the Special Fund for Economic Uncertainties to the account in that

## Natural Disaster Assistance Act

amount sufficient to pay the amount of the claims that exceed the unencumbered balance in the account.

(c) For activities that occur within 365 days after a proclamation of emergency by the Governor, the funds shall be allocated subject to the conditions of this section and in accordance with Section 27.00 of the annual Budget Act, except that the allocations may be made 30 days or less after notification of the Legislature pursuant to subdivision (b) of that section.

(d) For activities that occur after the 365th day after a proclamation of emergency by the Governor, the funds shall be allocated subject to the conditions of this section and in accordance with Section 27.00 of the annual Budget Act.

(e) Notwithstanding subdivision (a) of Section 27.00 of the annual Budget Act, authorizations for acquisitions, relocations, and environmental mitigations related to activities, as described in subdivision (c) or (d), shall be authorized pursuant to this section. However, these funds may only be authorized for needs that are a direct consequence of the proclaimed emergency where failure to undertake the project may interrupt essential state services or jeopardize public health or safety. In addition, any acquisition accomplished under this subdivision shall comply with any otherwise applicable law, except as provided in the first sentence of this subdivision.

(f) No funds allocated under this section shall be used to supplant federal funds otherwise available in the absence of state financial relief.

(g) The amount of financial assistance provided to an individual, business, or governmental entity under this section, or pursuant to any other program of state-funded disaster assistance, shall be deducted from sums received in payment of damage claims asserted against the state, its agents, or employees, for causing or contributing to the effects of the proclaimed disaster.

(h) No public entity administering disaster assistance to individuals shall receive funds under this section unless it administers that assistance pursuant to the following criteria:

- (1) All applications, forms, and other written materials presented to persons seeking assistance shall be available in English and in the



## Natural Disaster Assistance Act

same language as that used by the major non-English-speaking group within the disaster area.

(2) Bilingual staff who reflect the demographics of the disaster area shall be available to applicants.

(i) This section shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

### ***8690.7. Financial liability of counties which distribute funds***

Any county which distributed funds to other local agencies pursuant to Chapter 16 of the Statutes of 1986 shall not be held financially liable for those funds or responsible for any collection of those funds.

This section shall not preclude the state or any county from collecting funds distributed pursuant to Chapter 16 of the Statutes of 1986 from local agencies.

### ***8690.8. 1987 Higher Education Earthquake Account***

(a) There is hereby created, within the Disaster Response-Emergency Operations Account, the 1987 Higher Education Earthquake Account, into which shall be paid all moneys allocated pursuant to Section 8690.6 for assistance to eligible higher education entities that incurred losses or expenses related to earthquake activity that began on October 1, 1987. For purposes of this section, an “eligible higher education entity” means any campus of the California State University or of any community college district which is located within the disaster area proclaimed by the Governor, as a result of the October 1, 1987, earthquake and aftershocks. Moneys appropriated to the 1987 Higher Education Earthquake Account shall be used for the following purposes:

- (1) To reimburse eligible higher education entities for personnel overtime costs and for supplies used for disaster assistance programs, including the cost of administering these assistance programs.
- (2) To provide for the repair, cleanup, and reconstruction of damaged public facilities.
- (3) To provide matching funds required under federal disaster assistance programs.

## Natural Disaster Assistance Act

(4) Funds up to five hundred thousand dollars (\$500,000) from the amount allocated to the account may be used for the purposes described in Section 8683 and also to provide administrative support required for the rapid and effective implementation of the disaster assistance program authorized by this subdivision.

(5) To provide other assistance as the Director of the Office of Emergency Services deems necessary to carry out this section.

(b) In order to qualify for funding under this section, the California State University and any eligible community college district shall undertake to utilize maximum federal participation in funding projects, and no funds allocated under this section shall be used to supplant federal funds otherwise available in the absence of state financial relief.

(c) The Office of Emergency Services shall establish standards and instructions for the receipt of applications from, and the processing of claims by, eligible higher education entities within 30 days of the operative date of this section, as added by the 1987-88 First Extraordinary Session of the Legislature. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, these standards, if promulgated, shall not be subject to the review and approval of the Office of Administrative Law.

(d) Under the standards and procedures to be prescribed by the Office of Emergency Services, a higher education entity may receive an advance of funds for approved costs. These advances shall not exceed 90 percent of the amount approved for allocation to the eligible local agency.

(e) Funds provided pursuant to the requirement of this section may be audited by the Controller.

(f) Any unused funds shall revert to the Disaster Response-Emergency Operations Account.

### ***8691. Availability for transfer of money in Street and Highway Account***

Any money in the Street and Highway Account which the director determines is not needed for immediate use for the purposes otherwise specified in this chapter shall be available for transfer by the Department of Finance to the State Highway Account in the State Transportation Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of

## Natural Disaster Assistance Act

Transportation of written demand from the Department of Finance, be returned from the State Highway Account in the State Transportation Fund to the Street and Highway Account upon determination by the Department of Finance of the necessity of such money for the purposes of this chapter within a period of not to exceed three months in such installments as may be agreed upon by the Department of Finance and the Department of Transportation.

### *8692. Transfers to State Highway Account*

The director may advance to the Department of Transportation from the Street and Highway Account to the State Highway Account in the State Transportation Fund such funds as are necessary to provide for the restoration or repair of local federal-aid system highway facilities, when such funds are eligible for reimbursement with emergency relief funds under Title 23, United States Code, Section 125. Upon receipt of reimbursement from the federal government, the Department of Transportation shall repay all such funds to the Street

# Index

Accessibility to emergency services information	44
<i>see also Emergency services information</i>	
report to Legislature	44–45
Advisory Committees	44
After-action reports	50
Agricultural disasters	7
American National Red Cross	
all state agencies required to cooperate with	46
as member of the California Emergency Council	22
Area of potential flooding	32
Assembly Committee on Earthquake Preparedness	47
Assistance to the Governor and to the Director of OES	
required by all personnel and political subdivisions	56–57
required by state agencies	26
Attorney General	11, 22
Authority over on-highway toxic spill	10
Authority to promulgate rules	
California Hazardous Substances Incident Response Program	18
during local emergency	62
Emergency Council	
disaster service workers	24
firefighting equipment and apparatus	41
Governor	
during a major disaster	72
during state of war emergency	58, 60
for purposes of Emergency Services Act	5
limitations regarding temporary housing	70
penalties for failing to follow promulgated rules	78
SEMS regulations	49
statewide uniform fire hydrant coupling sizes	51
California Association of the Deaf	44
California Association of Highway Patrolmen	20
California Coastal Commission	14, 15, 37
California Community Colleges	21
California Conference of Local Health Officers	20
California Conservation Corps	14
California Disaster and Civil Defense Master Mutual Aid Agreement	4
California District Attorney's Association	20

## Index

California Earthquake Prediction Council	77
California Emergency Council, <i>see</i> <i>Emergency Council</i>	
California Environmental Protection Agency	14
California Fire Chiefs' Association	20
California Hazardous Substances Incident Response Training and Education Program advisory committee, <i>see</i> <i>Curriculum development advisory committee</i>	18
California Highway Patrol	14, 16, 30, 46, 47, 50
California National Guard	14
California Police Chiefs' Association	20
California Professional Firefighters	20
California Specialized Training Institute (CSTI)	
assist Governor in training disaster planning and preparation	28
curriculum advisory board	19, 21
hazardous substance rescue, safety, and monitoring equipment	18
hiring of staff	21
moneys received for training go to general fund	28
train and certify instructors	18
California State Fireman's Association	20
California State University	20
Chemical Industry Council of California	20
Chemical Manufacturer's Association	20
Chief executive, defined	2
Civil defense, recognition of existing plans	78
Claims against the state,	
for taking or damaging private property	69
regarding extraterritorial expenses	69
Coalition of Deaf Access Providers	44
Coast Guard	12
Commandeering private property or personnel	
Governor authorized to	8
reimbursement of value	9
Commission on Peace Officer Standards	20
Community warning system	
defined	74
donor organization	74
liability of	74
liability	74–75
Compacts	58, 77
Conditions of emergency, <i>see</i> <i>State of emergency, State of local emergency, and State of war emergency</i>	
Conditions of disaster or extreme peril, enumerated	3
Cooperation between agencies and political subdivisions required	46
Crude oil spills	37
<i>Governor's Office of Emergency Services 2002</i>	99

## Index

Curriculum development advisory committee, <i>see also Office of Emergency Services</i>	
advise OES in developing standards and curricula	19
as subcommittee of CSTI Curriculum Advisory Board	21
OES representative as chair of committee	20
 Dams and dam failures, <i>see also Inundation maps</i>	
Dam, defined	35
partial or total failure	33
public safety elements required by OES	34
review of evacuation procedures by OES	34
Deaf and hearing impaired, OES required to work with advocates	44
Debris disposal	
conditions to use state personnel, equipment, and facilities	46
Degrees of emergency, <i>see State of emergency, State of local emergency, and State of war emergency</i>	
Diablo Canyon nuclear powerplant	55
Digital emergency broadcast system	45
Director of Finance	73
Director of Fish and Game	20
Director of OES	
allocation of funds	84–85, 89
annual salary	26
appointment of	25
appoint employees as needed	26
as State Director of Civil Defense	25
as State Director of Emergency Services	25
coordinating emergency activities of state agencies	26
definition	83
formally recognizing public or private advisory committees	44
not subject to state councils or agencies; circumstances	42
powers of	83
procure equipment, supplies, etc., from federal government	69
required to report to legislature on status of Fire Equipment Act	42
rights and powers under Government Code	25
solicitation and receipt,	
of funds to operate CSTI	28
of weapons to train CSTI	28
Disaster councils	
defined, <i>see also Cal. Labor Code §3201 et seq.</i>	2
certification of disaster councils	56
continuance of	78
creation of local disaster councils	52

## Index

local government provide for structure of	53
revocation of certification; reaccreditation	56
supply copy of emergency plan to OES	52
Disaster dog teams	
OES responsible for	
conducting feasibility study	29
engage in recruitment of dog teams	29
instructing in Swiss technique	29
reimbursement of dog handlers and instructors	29
securing training grounds	29
Disaster registry program	
availability of hard data during computer shutdown	36
OES to develop model guidelines	35
guidelines voluntary for local governments	35
minimum specifications of guidelines	35, 36
liability of volunteers not responding	36
persons eligible for disaster registry program	36
volunteers required to be self-sufficient for 72 hours	36
Disaster service worker	
defined	2
liabilities	76
Discharged oil	37
Discretionary function or duty, <i>see Privileges and immunities</i>	
Dispersant use in coastal waters	13
 Earthquake	
Assembly Committee on Earthquake Preparedness and Natural Disasters	47
legislative intent to provide heavy rescue for	25
liability for prediction of	77
Emergency broadcast system	
digital emergency broadcast system	45
Emergency Council	
accreditation of disaster councils	56
advising Governor on division of state into mutual aid regions	48
advisory body to Governor	23
approval of orders and regulations made in advance of emergency	5
authority to nullify Governor's certification of disaster council	24
creation of	22
defined	2
Governor, as chairman of	23
Governor to report certification of disaster council	24
meeting times	23

## Index

members of the Council	22
powers and duties	23
revoking certification of a disaster council	56
Emergency Medical Services Authority	14, 49
Emergency plans, defined	4
Emergency response vessels	12
Emergency services information	
accessibility to information	44
open captioning of transmissions of information	45
report of accessibility to legislature	45
Environmental monitoring	19
Environmental Protection Agency	20
Fairgrounds and fair properties	
OES permitted to use all state and local	30
Family disaster-related expense grants	70
Federal agency	
providing state or political subdivision with service, equipment, etc.	67
Federal Communications Commission (FCC)	44
Federal Emergency Management Agency (FEMA)	44, 51, 71
Firefighting apparatus and equipment	
acquisition of, for resale	39
contract with local agency serving rural area	40
default in contract, renegotiating	41
defined	31
Prison Industry Authority refurbishing	41
refurbishing and reselling used equipment	38, 39
Fire hydrants	
color coding	51
condition for eligibility of disaster cost reimbursement	51
uniform coupling sizes	51
compliance with	51
exemption of City and County of San Francisco	52
FIRESCOPE	49
First responder training	19
Fiscal provisions	
advancement of federal money	72
false application for funds	72
Governor authorized to expend any available funding	67
Governor authorized to accept funds, gifts, etc.,	
for emergency purposes	67
Northridge earthquake funds	72
Flood hazard area, defined	31



## Index

disclosure statements	
Local Option Real Estate Disclosure Statement	31
Natural hazard Disclosure Statement	31
required to disclose to prospective purchaser	31
special flood hazard area	31
Flood hazard disclosures	32
agents required to disclose hazards	32
Funding	
adjustments	90
advance funding	89
availability of	93
county liability	95
disaster response – Emergency Operations Account	93
Earthquake Emergency Investigation Account	92
Higher Education Earthquake Account	95
Natural Disaster assistance Fund	92
Street and Highway account	96
 Governor	
accepting funds, gifts, etc., for emergency purposes	67, 68
accepting funds, gifts, etc., from federal agencies	67
appointing	
Administrator of State Interagency Oil Spill Committee	13
Director of OES	25
Deputy Director of OES	25
Emergency Council members	22
approving	
emergency plans to satisfy Master Mutual Aid Agreement	46
State of California Emergency Plan	4
use of state resources to dispose of debris	46
assigning	
powers and duties to OES	26
state agency duties to mitigate effects of emergency	46
assisted by CSTI to train for disaster planning and preparation	28
authority during emergency or major disaster	70
cooperating with President and the United States government	10
coordinate State Emergency Plan	6
defined	2
delegation of powers to Director of OES; exceptions	26
dividing state into mutual aid regions	48, 49
empowered to expend any appropriation for emergency purposes	5
emergency powers	85–87
enter into mutual aid arrangements with states and	

## Index

federal government	58
establishing committees to aid Governor or Emergency Council	24
ex officio chairman of the California Emergency Council	23
expend available funds to deal with emergencies	67
fiscal powers and duties of the Governor	67
formally recognizing public or private advisory committees	44
make, amend, and rescind orders and regulations	5, 61
member of the California Emergency Council	22
powers during state of war emergency	
authority over all state agencies	58
right to exercise all state police power	58
promulgate orders and regulations as necessary	58
powers additional to those granted by Emergency Services Act	5
powers during a major disaster	70
powers greater than emergency power	
of local public official	56, 57
powers to mitigate effect of an emergency	
approve local emergency plans	6
procure, pre-position supplies, materials, and equipment	6
provide for mobile support units	6
provide for use of public airports	6
institute training and public information programs	6
survey and plan for use of industries, resources, and facilities	6
take any other preparatory step, including mobilization	7
proclamation of state of insurrection or martial law	10
ratification of state of emergency proclaimed by Director of OES	27
reimbursing state agency funds expended for emergency purposes	68
require adding marine oil spill contingency planning section	11
requesting president to declare a major disaster	70
suspension of ordinances and regulations	
during emergency	8, 57, 61
unavailability during conditions of state emergency	27
use and employ state property and resources	6
Governing body, defined	2
Governmental immunity, <i>see Privileges and immunities</i>	
 Hazardous material, <i>see also Spills of Hazardous Materials, Toxic and toxics</i>	
certification in approved training class	18
defined	31
emergency response	
defined	31
providers of service exempt from fee	31

## Index

establish plan for mutual aid	30
required to be signatory to plan	30
state oil spill contingency plan	10
threatened releases	37
Hazardous material incidents	
OES as central point for reporting	37
OES coordinating notification of responding agencies	37
pipeline incidents	
OES sole state agency to make notification	37
responsible party, notification of other agencies	37
Hazardous substance emergency response training	
Hazardous Substances Response Training and Education Program	18
for management personnel	19
legislative purposes	17
Health care provider liability, <i>see Privileges and immunities</i>	
Heavy rescue	
required to be on earthquake scene in hour or less	25
State Fire Marshal and OES to coordinate training	25
units and caches positioned throughout state	25
Housing, <i>see Temporary housing</i>	
 Immunities, <i>see Privileges and immunities</i>	
Inmates or prisoners	
liability for removing inmates during an emergency	77
Inundation maps	32, 33
approval by OES	34
designation of area by OES	34
local governments required to post and update map information	35
rejection and resubmission of maps	33
required to be kept on file with Department of Water Resources	34
submission by dam owner	33
waiver of requirement to submit maps	33, 35
Interagency coordination, toxic disaster training	16
 Labor and employment	
controversies	3
Department of Labor	71
Legislative intent	
about SCEDEP facilitating communications between	
state agencies	30
about necessity of specialized training	28
for agencies to review emergency preparedness	
 <i>Governor's Office of Emergency Services 2002</i>	105

## Index

plans every two years	35
for OES to help agencies obtain firefighting equipment	39
for statewide system of fire hydrants	51
to facilitate rendering aid to areas stricken by emergency	57
to provide heavy rescue capabilities for earthquakes	25
Lempert-Keene-Seastrand Oil Spill prevention and Response Act	15, 16
Liabilities and duties, <i>see also Privileges and immunities</i>	
party responsible for hazardous material incidents	37–38
regarding oil spills	11
of persons impressed into service	76
volcanic prediction	77
Lieutenant Governor, member of California Emergency Council	22
Local agency	
allocation to	90
application	90
definition of	81
local emergency	83
Local disaster councils, <i>see Disaster councils</i>	
Local government, <i>see also Political subdivisions</i>	
compliance with hydrant coupling sizes required	51
provide for local emergency organization	53
reimbursement for nuclear powerplant emergency costs	54
suffering loss of tax; demonstrated need for financial assistance	71
use of SEMS required for reimbursement eligibility	50
Local officials, remaining in charge at mutual aid incident	58
Local Option Real Estate Disclosure Statement	31, 32
 Major disaster	 70–72
defined	72
Maps, <i>see also Inundation maps</i>	
depicting environmentally and ecologically sensitive areas	13
Marine response element, of state oil spill contingency plan	11
Martial law, non-limitation of Governor to declare	10
Master Mutual Aid Agreement	
approved emergency plans as operational plans	57
allowing mutual aid during non-emergency periods	57
defined	4
Mobile support units	6
Mutual aid	
agreements for voluntary basis	53
as a purpose of the Emergency Services Act	4
division of state into mutual aid regions	48

## Index

during non-emergency periods	57
execution of joint powers agreements unnecessary	57
Governor enter into arrangement with other states	
or federal government	58
incorporated into SEMS	49-50
liability, <i>see also Privileges and immunities</i>	76
local officials remaining in charge	58
mutual aid region	
as subdivision of state emergency services organization	4
consisting of two or more county operational areas	4
recommended by the Emergency Council	23-24
reimbursement for extraordinary expenses during	62, 69
required to provide local agencies with OES-contracted equipment	41
uniformity of fire hydrants required for	51
 National Fire Academy	51
National Fire Protection Association	51
Natural disaster	
definition	81
Natural Disaster Assistance Fund	92
Natural Disaster Volunteer Corps Program	47-48
Natural Hazard Disclosure Statement	31-32
Newspaper or newspaper wire service, conditions of commandeering	9-10
Northridge earthquake	
legislative findings	72
advances on federal money	73
Nuclear Planning Assessment Special Account	54
Nuclear power plant	
emergency study	53
reimbursement of state and local costs	53-55
 Office of Emergency Services	
acquisition of firefighting equipment for resale	39
adopting response recommendations of California Highway Patrol	16
all state agencies, boards, and commissions	
required to cooperate with	42, 46
central point for reporting hazardous material incidents	37
contracting with local agency serving rural area	40
insuring outside loan; interest rate	32
collection and dissemination of emergency management data	30
coordinating notification of responding agencies	37
develop course of instruction for SEMS	50
 <i>Governor's Office of Emergency Services 2002</i>	107

## Index

develop policies and software for emergency communications	30
develop plan for utilizing volunteers during state of emergency	47
develop training curriculum for Hazardous Substance Response teams	19
establish California Hazardous Substances Incident Response Program	18
establish central notification and reporting system for toxics	17
establish curriculum development advisory committee	20
establish minimum training standards for hazardous materials	18
establish plans in coordination with public water systems	52
establish State Computer Emergency Data Exchange Program	30
Fire and Rescue Division	
responsibility to acquire and maintain rescue units	25
responsibility to acquire and maintain transportable caches	25
located in the Governor's office	1
notify State Fire Marshal of pipeline incident	37
permitted to use all state and local fair properties	30
provide report on hazardous substance training	22
provide report of status of volunteer utilization plan	47
receipt of other state agency personnel	68
required to develop disaster registry program guidelines	35
required to work with deaf and hearing-impaired advocates	44
Office of Fleet Administration	42
Office of Environmental Health Hazard Assessment	14
Oil Spill Response Trust Fund	11
On-scene manager training	19
Open captioning when transmitting emergency information	45
Operational areas	
county and political subdivisions organizing and structuring	49
defined	4
designation of county as	49
use of operational area	49
incorporated into SEMS	50
Orders and regulations, <i>see also Governor</i>	
nullification on termination of state of emergency or	
state of war emergency	5
prepared in advance of emergency	5
required to be in writing and approved by Emergency council	5
Outside aid	
during state of emergency or state of war emergency	57

Peace officers

## Index

officers assisting in local emergency vested with powers of	47
state employees deemed during state of emergency	46-47
statutory peace officers	47
Penalties for violation of Emergency Services Act	78
Petroleum spill or release	37
Plans and planning	
ameliorate effects of toxic disaster	16, 17
developed by disaster councils	52
establishing state toxic disaster contingency plan	16
for community outreach	36
to ensure availability of hard data during computer shutdown	36
to utilize volunteer resources during state of emergency	47
Standardized Emergency Management System	49
Poisons, <i>see Toxic and toxics</i>	
Political activity, prohibiting use of emergency organizations for	78
Political subdivision	
acceptance of gifts, grants, or loans to mitigate effects of emergency	68
authorized by Governor to accept resources from federal agency	68
defined	2
temporary housing provided by Governor	70-72
President	
declaration of major disaster	70, 71
financial assistance to local governments	71
Prisoners, liability for moving during an emergency	77
Prison Industry Authority	
OES to contract to refurbish equipment for resale	41
Private citizen	
not required to comply with order or regulation of test exercise	56
Private property	
commandeering of during an emergency	9
disposal of debris from	46
Governor may plan to utilize during emergency	9
reimbursement for taking or damaging of	69
Privileges and immunities	
health care providers rendering emergency aid	77
liability for discretionary function or duty	74
liability of donor for community warning system	74
moving prisoners during emergency	77
under an interstate compact	77
Proclamation of state of emergency	
authority of Director of OES to proclaim in Governor's absence	27
Project	
acceptance and responsibilities	91
application definition	82
<i>Governor's Office of Emergency Services 2002</i>	109

## Index

cost sharing	91
definition	82
public facilities	82-83, 91
street and highway	83, 92, 96-97
Program, defined	18
Public facility, defined	3
use of public airport to mitigate effects of an emergency	6
Public Utilities Commission	54, 55
Public water systems	
disaster preparedness plan	52
report to legislature within six months of disaster	52
Purpose of the emergency Services Act	1
Radio station, conditions of commandeering	9
Rehabilitation of wildlife, injuries resulting from spilled oil	13
Reimbursement	
conditions of; presentation of claim	69
to state agencies from appropriations available to OES	68
to state agencies deposited to appropriations	68-69
Release of hazardous materials, <i>see also Hazardous materials</i>	
threatened release	38
Resources Agency, the	14
Review subcommittee, approving regulations and guidelines	15
defined	15
Rural area, defined	39
San Onofre nuclear power plant	55
SEMS, <i>see Standardized Emergency Management System</i>	
Senate, <i>see State Senate</i>	
Severability of emergency Services Act	78
Sewage spills or leaks	37
Ship position reporting and communication requirements	12
Shipping lanes, designated to reduce likelihood of grounded ships	12
Speaker of the Assembly	22
Spills of hazardous materials	
authority for management of scene	16
crude oil	38
discharged oil	37
oil spill contingency plan	10
petroleum	37
sewage	37
threatened releases	38



## Index

Stafford, Robert T., Disaster Relief and Emergency Act	72
Standardized Emergency Management System (SEMS)	
develop plan for use by all emergency response agencies	49
develop approved course of instruction regarding	50
local agencies use of for reimbursement eligibility	50
state agencies required to use for emergency and disaster operations	50
State agencies, defined	2
OES Director's action not subject to	42
required to render all possible assistance	26, 57
services and duties of	82
State Assistance for Fire Equipment Act	38, 41
OES Director to report status of to Legislature	42
State Board of Control	69
State Board of Fire Services	21
State Civil Service Act	25
State Civil Defense and Disaster Plan	78
State Civil Defense Agency	
office located in the Office of Emergency Services	25
State Computer Emergency Data Exchange Program (SCEDEP)	30
State Department of California	
Highway Patrol	14, 20, 21, 30, 46, 47, 50
State Department of Conservation, Division of Oil and Gas	14
State Department of Corrections	47
State Department of Emergency Medical Services Agency	30
State Department of Finance	55, 68
State Department of Fish and Game	15, 20, 46
State Department of Forestry and Fire Protection	14, 20, 30, 46
Director of, peace officer powers	47
State Department of General Services	42
State Department of Justice	14
State Department of Health Services	20, 53
State Department of Parks and Recreation	14
State Department of Toxic Substances Control	14
State Department of Transportation	14, 20, 30
State Department of Water Resources	14, 30
State Department of Youth Authority	47
State Equipment Council	42
State emergency plan	
consider and recommend to Governor,	
California Emergency Council	24
coordinated by Governor	6
defined	4
in effect in each political subdivision of the state	6

## Index

State Fire Disaster Plan	78
State Fire Marshal	14, 20, 30, 37, 50, 51
State Interagency Oil Spill Committee	
administrator as chairperson of committee	15
developing criteria for coastline protection	12
establishment of Review Committee of	15
Director of Fish and Game as chair of Review Committee	15
membership of	13
required by Governor to amend state oil spill contingency plan	11
State Lands Commission	14, 15, 37
State Law Enforcement Mutual Aid Plan	78
State Oil and Gas Supervisor	15
State of emergency	
classes of state employees deemed peace officers during	46
commandeering private property or personnel	9
defined	3
establishing rules and regulations by cities/counties	53
general liability for agencies and employees	77
local public official emergency power subordinate to Governor	57
OES to coordinate emergency activities during	26
orders and regulations in writing; immediate effect	5
plans developed by local disaster council	52
proclamation of	26
rendering outside aid in compliance with emergency plans	57
suspension of ordinances and regulations by Governor	8, 57
State of insurrection	10
State of local emergency	26
defined	3
establishing rules and regulations by cities/counties	53
general liability for agencies and employees	76
OES to coordinate emergency activities during	26
plans developed by local disaster council	52
State of war emergency	58
commandeering private property or personnel	6, 7
defined	3
establishing rules and regulations by cities/counties	53
general liability for agencies and employees	76
local public official emergency power subordinate to Governor	57
OES to coordinate emergency activities during	26
orders and regulations in writing; immediate effect	5
plans developed by local disaster council	53
rendering outside aid in compliance with emergency plans	57
suspension of ordinances and regulations by Governor	8, 57
State oil spill contingency plan	

## Index

coastal protection element	11, 12
environmentally and ecologically sensitive areas element	13
established by Governor	10
regional and local planning elements	12
state marine response element	11
State toxic disaster contingency plan	
establishment by Governor	16
reporting system to facilitate designated procedures	17
State Senate	
President Pro Tempore as Emergency Council member	22
Rules committee	22
State Water Quality Control Fund	11
State Water Resources Control Board	14, 15, 20
Sudden and severe energy shortage, defined	3
Suspension of regulations, <i>see Governor</i>	
<i>see also State of war emergency, State of emergency</i>	
Television stations, conditions to commandeer	10
Temporary housing	70, 72
defined	72
Test exercises	
Governor's authority to order	6
whenever necessary; limitations	56
Toll-free 800 telephone hotline	
OES to study feasibility of	45
Toxic and toxics, <i>see also Hazardous materials</i>	
Senate Committee on Toxics and Public Safety Management	47
toxic disasters	11, 16
defined	17
toxic substances, defined	17
Toxic disaster contingency plan	
<i>see State toxic disaster contingency plan</i>	
Training, hazardous substance emergency response	17-22
University of California	20
Urban Heavy Rescue Act	25
Volunteers, <i>see also Disaster registry program</i>	
ability to receive benefits and compensation	76
plan for state and local governments to utilize	47
minimum specifications of	48
<i>Governor's Office of Emergency Services 2002</i>	113

## Index

requirement to be self-sufficient for 72 hours	36
use under oil spill contingency plan	10
Warning system liability	74
Wildlife rehabilitation facilities, required for injuries from oil spill	13
Worker's compensation	24

